

QUESTIONS OF ORDER

DECIDED IN THE HOUSE OF REPRESENTATIVES AT THE SECOND SESSION, ONE HUNDREDTH ELEVENTH CONGRESS

HON. NANCY PELOSI OF CALIFORNIA, SPEAKER

LORRAINE C. MILLER OF TEXAS, CLERK

QUESTIONS OF ORDER

PRIVILEGES OF THE HOUSE

(¶28.4)

A RESOLUTION OF IMPEACHMENT IS PRIVILEGED UNDER THE CONSTITUTION AND UNDER RULE IX AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

THE SOLE POWER OF IMPEACHMENT IS CONFERRED UPON THE HOUSE BY THE CONSTITUTION. A RESOLUTION REPORTED FROM THE COMMITTEE ON THE JUDICIARY DIRECTLY PROPOSING THE IMPEACHMENT OF FEDERAL DISTRICT JUDGE G. THOMAS PORTEOUS, JR. FOR HIGH CRIMES AND MISDEMEANORS SPECIFIED IN FOUR ARTICLES OF IMPEACHMENT WAS CALLED UP AS A QUESTION OF THE PRIVILEGES OF THE HOUSE AND ADOPTED.

On March 11, 2010, Mr. CONYERS, by direction of the Committee on the Judiciary, rose to a question of the privileges of the House and called up the following privileged resolution (H. Res. 1031):

Resolved, That G. Thomas Porteous, Jr., a judge of the United States District Court for the Eastern District of Louisiana, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against G. Thomas Porteous, Jr., a judge in the United States District Court for the Eastern District of Louisiana, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in *Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises*, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a "curator" in hundreds of cases and thereafter requested and accepted from

fees which had been paid to the firm. During the period of this scheme, the fees received by Amato & Creely amounted to approximately \$40,000, and the amounts paid by Amato & Creely to Judge Porteous amounted to approximately \$20,000.

Judge Porteous also made intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In so doing, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for a writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the *Lifemark v. Liljeberg* bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court Judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes

in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

(1) using a false name and a post office box address to conceal his identity as the debtor in the case;

(2) concealing assets;

(3) concealing preferential payments to certain creditors;

(4) concealing gambling losses and other gambling debts; and

(5) incurring new debts while the case was pending, in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

(1) On his Supplemental SF-86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered "no" to this question and signed the form under the warning that a false statement was punishable by law.

(2) During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

QUESTIONS OF ORDER

(3) On the Senate Judiciary Committee's "Questionnaire for Judicial Nominees", Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did "not know of any unfavorable information that may affect [his] nomination". Judge Porteous signed that questionnaire by swearing that "the information provided in this statement is, to the best of my knowledge, true and accurate".

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a "curator" in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office,

Pending consideration of said resolution,

¶28.5 CALL OF THE HOUSE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SENSENBRENNER to move a call of the House.

On motion of Mr. SENSENBRENNER, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶28.6 [Roll No. 101]

Thereupon, the SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that 405 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

After debate,

Mr. SENSENBRENNER demanded that the question be divided on each article of impeachment contained in the resolution.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the question was divisible and would be divided among the four articles of impeachment.

After further debate,

The question being put, viva voce,

Will the House agree to the first article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 412
affirmative Nays 0

¶28.7 [Roll No. 102]

So, the first article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article I was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the second article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said second article of impeachment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 410
affirmative Nays 0

¶28.8 [Roll No. 103]

So, the second article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article II was agreed to was, by unanimous consent, laid on the table.

The question was being put, viva voce,

Will the House agree to the third article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said third article of impeachment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 416
affirmative Nays 0

¶28.9 [Roll No. 104]

So, the third article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article III was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the fourth article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said fourth article of impeachment, which demand was supported by one-fifth of a

quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 423
affirmative Nays 0

¶28.10 [Roll No. 105]

So, the fourth article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article IV was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶28.11)

A RESOLUTION DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO REVIEW THE ACTIONS OF HOUSE LEADERSHIP WITH REGARD TO ALLEGED IMPROPER CONDUCT BY A FORMER MEMBER (WHO RESIGNED DURING THE INSTANT CONGRESS) PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE REFERRED A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On March 11, 2010, Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1164):

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, numerous newspapers and other media organizations reported in the days before and after Mr. Massa's resignation that the Committee on Standards of Official Conduct was investigating allegations that Mr. Massa sexually harassed Members of his congressional staff;

Whereas, on March 3, 2010, Majority Leader Hoyer's office issued a statement saying, "The week of February 8th, a member of Rep. Massa's staff brought to the attention of Mr. Hoyer's staff allegations of misconduct that had been made against Mr. Massa. Mr. Hoyer's staff immediately informed him of what they had been told";

Whereas, on Thursday, March 4, Roll Call newspaper reported, "Speaker Nancy Pelosi said she only learned Wednesday of misconduct allegations against freshman Rep. Eric Massa, though her staff had learned of it earlier and decided against briefing her. 'There had been a rumor, but just that,' Pelosi told reporters at her weekly news conference. 'A one-, two-, three-person rumor that had been reported to Mr. Hoyer's office and reported to my staff which they did not report to me because you know what? This is rumor city. There are rumors.'";

Whereas, on March 11, 2010, The Washington Post reported, "House Speaker Nancy Pelosi's office was notified in October by then-Rep. Eric Massa's top aide [Joe Ralcato] of concerns about the New York Democrat's behavior";

Whereas, on March 11, 2010, Politico newspaper reported, "Democratic insiders say Pelosi's office took no action after Ralcato expressed his concerns about his then-boss in October";

Whereas, on March 9, 2010, The Corning Leader newspaper reported, "Hoyer said last

QUESTIONS OF ORDER

week he told Massa to inform the House Ethics Committee of the charges within 48 hours. 'Steny Hoyer has never said a single word to me, never, not once, not a word,' Massa said Sunday. 'This is a lie. It is a blatant false statement.'";

Whereas, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees have raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, the aforementioned media accounts have held the House up to public ridicule;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled "Code of Conduct," states "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House";

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct: Now, therefore, be it

Resolved:

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than June 30, 2010.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. CLYBURN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. CLYBURN, the previous question was ordered on the motion.

The question being put, viva voce,
Will the House now order the previous question on the motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the	Yeas	404
affirmative	Nays	2
	Answered	
	present	15

¶28.12 [Roll No. 106]

So the previous question was ordered on the motion.

The question being put, viva voce,
Will the House agree to the motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the	Yeas	402
affirmative	Nays	1
	Answered	
	present	15

¶28.13 [Roll No. 107]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶33.23)

A RESOLUTION ALLEGING AN INADEQUATE INVESTIGATION INTO ALLEGATIONS OF IMPROPER CAMPAIGN CONTRIBUTIONS BY THE LOBBYING GROUP PMA BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, AND DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO REPORT ON THE EXTENT OF ITS INVESTIGATION INTO SAID ALLEGATIONS, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE REFERRED A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On March 18, 2010, Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1193):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded

by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore, be it

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,
Will the House agree to the motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

QUESTIONS OF ORDER

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	{	Yeas	397
		Nays	0
		Answered present	12

¶33.24

[Roll No. 131]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶33.26)

A RESOLUTION ALLEGING DECEPTION AND ABUSE OF POWER IN THE SELECTION OF LEGISLATIVE PROCESSES BY THE MAJORITY LEADERSHIP, AND DISAPPROVING OF THE MALFEASANT MANNER IN WHICH THE HOUSE MAJORITY LEADERSHIP HAD DISCHARGED ITS DUTIES, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On March 18, 2010, Mr. CANTOR, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1194):

Whereas at least three members of the House Democratic Leadership have endorsed a procedural tactic for the sole purpose of avoiding an up-or-down vote, by the yeas and nays, on the Senate-passed health care bill;

Whereas on Tuesday, March 16, 2010 Representative James Clyburn, the House Majority Whip, stated, "We will deem passed the Senate bill . . .";

Whereas on Tuesday, March 16, The Washington Post reported, "After laying the groundwork for a decisive vote this week on the Senate's health-care bill, House Speaker Nancy Pelosi suggested Monday that she might attempt to pass the measure without having members vote on it. Instead, Pelosi (D-Calif.) would rely on a procedural sleight of hand . . .";

Whereas in the same Washington Post article, the Speaker declared, ". . . I like it because people don't have to vote on the Senate bill.";

Whereas on Tuesday, March 16, McClatchy Newspapers reported Representative John Larson, chairman of the House Democratic Caucus, stated, "Many of our members would prefer not to have voted for the Senate bill.";

Whereas on Tuesday, March 9, U.S. News and World Report reported, "Pelosi gaffed, telling the local elected officials assembled 'that Congress [has] to pass the bill so you can find out what's in it, away from the fog of controversy.'";

Whereas on Tuesday, March 16, The Washington Post editorialized, ". . . what is intended as a final sprint threatens to turn into something unseemly and, more impor-

tant, contrary to Democrats' promises of transparency and time for deliberation. . . . [I]t strikes us as a dodgy way to reform the health-care system. Democrats who vote for the package will be tagged with supporting the Senate bill in any event.";

Whereas on Tuesday, March 16, the Cincinnati Enquirer editorialized, "This disgusting process, which Democrats brazenly wish to bring to conclusion this week, is being done with little regard for the opinions of a clear majority of Americans who, while they may believe health care reform is necessary, think this particular approach will take our nation down the wrong economic path.";

Whereas bipartisan members of the House and Senate have expressed their opposition to using the Slaughter Solution;

Whereas on Wednesday, March 10, Representative Joe Donnelly released the following statement, "The process over the past few months has been frustrating, including the cutting of unacceptable special deals to assure a few senators' votes.";

Whereas Representative Jason Altmire of Pennsylvania has characterized the exploitation of the Slaughter Solution by Democratic Leadership as "wrong" and unpopular among his constituents;

Whereas on Friday, March 12, POLITICO reported on a memo sent from Representative Chris Van Hollen, chairman of the Democratic Congressional Campaign Committee, to freshman and sophomore House Democrats that stated, "At this point, we have to just rip the band-aid off . . . Things like reconciliation and what the rules committee does is INSIDE BASEBALL.";

Whereas on Tuesday, March 16, Roll Call reported, "Hoyer argued that the American public isn't interested in the process lawmakers use for approving reforms . . .";

Whereas on Tuesday, March 16, Representative James Clyburn told Fox News, "Controversy doesn't bother me at all.";

Whereas the Democratic leadership of the House has conducted a calculated and coordinated attempt to willfully deceive the American people by embracing the "Slaughter Solution";

Whereas resorting to the "Slaughter Solution" in this circumstance, is being done to intentionally hide from the American people a future vote that Members of Congress may take on the Senate-passed health care legislation;

Whereas the deceptive behavior demonstrated by the Democratic Leadership has brought discredit upon the House of Representatives; and

Whereas the Democratic leadership has willfully abused its power to chart a legislative course for the Senate health care bill that is deliberately calculated to obfuscate what the House will vote on, in an illegitimate effort to confuse the public and thereby fraudulently insulate certain Representatives from accountability for their conduct of their offices: Now, therefore, be it

Resolved, That the House disapproves of the malfeasant manner in which the Democratic Leadership has thereby discharged the duties of their offices.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. HOYER moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	{	Yeas	232
		Nays	181

¶33.27

[Roll No. 132]

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PERSONAL PRIVILEGES

(¶34.18)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF MEDIA CHARACTERIZATIONS OF HIS OFFICIAL CONDUCT.

On March 19, 2010, Mr. TANNER rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. SERRANO pursuant to rule IX, recognized Mr. TANNER for one hour.

Mr. TANNER made the following statement:

"Mr. Speaker, I consider this a sad day for our institution here when a Member comes to the floor and, by name, calls other Members to task for an unsubstantiated, untrue, fabricated allegation made in a blog somewhere and stands behind the fact that it has been reported that such and such occurred.

"Now, the primary reason my wife and I decided not to seek reelection is because we have four grandchildren in Tennessee that we don't see enough of and are not a part of their lives as we want to be. And any suggestion that there is some sort of NATO job in Brussels, Belgium, is beyond the pale. I, and Mr. GORDON as well, I think, are rightly indignant about this reckless, scurrilous, I think, indiscretion.

"Let me just say this. Emotions are high, but we can disagree on public policy matters agreeably. And to take an unsubstantiated, untrue, total fabrication and to repeat it on this floor, in my judgment, is an affront to this institution. It is too late to take the words down I'm told by the Parliamentarian, but let me just say this: When we get to the point as a society, when we—some of us—are unable to extend to one who may disagree with us on a matter of public policy the same purity of motive and the same intellectual honesty we claim for ourselves, we are going down the wrong road."

POINT OF ORDER

(¶36.12)

PURSUANT TO SECTION 426(B)(4) OF THE

QUESTIONS OF ORDER

CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OF ORDER UNDER SECTION 426(A) OF THE ACT AND SATISFIES THE THRESHOLD BURDEN SPECIFIED IN SECTION 426(B)(2) OF THE ACT BY CITING LANGUAGE IN THE RESOLUTION THAT WAIVES THE APPLICATION OF SECTION 425 OF THE ACT IS RECOGNIZED TO CONTROL ONE-HALF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO SECTION 426(B)(3) OF THE CONGRESSIONAL BUDGET ACT OF 1974, AS DISPOSITION OF A POINT OF ORDER RAISED UNDER SECTION 426(A) OF THE ACT, THE CHAIR PUTS THE QUESTION OF CONSIDERATION WITH RESPECT TO THE PROPOSITION THAT IS THE OBJECT OF THE POINT OF ORDER.

On March 21, 2010, Mr. RYAN of Wisconsin, made a point of order against consideration of House Resolution 1203, and said:

"Mr. Speaker, I raise a point of order against H. Res. 1203 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill except those arising under clause 10 of rule XXI which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a)."

The SPEAKER pro tempore, Mr. SALAZAR, responded to the point of order, and said:

"The gentleman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

"The gentleman has met the threshold burden under the rule and the gentleman from Wisconsin and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration."

Mr. RYAN of Wisconsin, was further recognized and said:

"Mr. Speaker, let me just quote from a letter to the Speaker of the House by the Director of the Congressional Budget Office dated yesterday: 'The Congressional Budget Office and the Joint Committee on Taxation estimated that the total cost of those mandates to State, local and tribal governments and the private sector would greatly exceed the annual thresholds established under the Unfunded Mandates Reform Act.'

"Mr. Speaker, this bill is the mother of all unfunded mandates. There are mandates on States. The new Medicaid mandate is expected to cost, according to the CBO, an additional \$20 billion on States. Let's start with the State mandate, \$20 billion on States in Medicaid. Democratic Governors have been speaking out against this. Let me quote Governor Rendell from Pennsylvania: 'I think it's an unfunded mandate. We just don't have the wherewithal to absorb this health care bill without some new revenue source.'

"There is an individual mandate. It mandates individuals purchase govern-

ment-approved health insurance or face a fine to be collected by the IRS which will need \$10 billion additional and 16,500 new IRS agents to police and enforce this mandate.

"There is a business mandate. It mandates businesses provide government-approved health insurance or face penalties. If you don't offer health insurance coverage, you have to pay \$2,000 per employee. If you do offer health insurance coverage, but one of your employees decides to take the Federal subsidy, you have to pay up to \$3,000 per employee anyway.

"There's a health plan mandate. There are mandates on health plans to comply with new Federal benefits, mandates without any funds to meet these new requirements. There are new medical loss ratios of 80 and 85 percent. This hardly jives with the notion, If you like what you have, you can keep it, because millions of Americans will exactly lose just that.

"There's a provider mandate. This mandates that many health care providers must actually provide exactly what Washington says. They're forced to take unilateral reimbursement cuts from the new independent payment advisory board."

Ms. SLAUGHTER was recognized to speak to the point of order and said:

"Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying legislation. In reality, it's about blocking much-needed health care reform in this Nation. Those who oppose the process don't want any debate or votes on health care itself. They just want to make reform go away.

"I know my colleagues on our side will vote 'yes' so we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary loopholes because those who oppose the legislation can vote against it on final passage. We must consider the rule. We must pass this important legislation today."

Mr. RYAN of Wisconsin, was further recognized and said:

"Mr. Speaker, let's look at the fiscal consequences of this bill. I think we're going to hear a lot today how this bill reduces the deficit according to the Congressional Budget Office. Well, I would simply say, the oldest trick in the book in Washington is that you can manipulate a piece of legislation to manipulate the final score that comes out.

"But let's take a look at the subsequent analysis by the Congressional Budget Office. Let's take a look at the claims being made and the reality that we're facing. This bill double-counts billions of dollars. It takes \$70 billion of premiums from the CLASS Act to spend on this new government program, instead of going to the CLASS Act. It takes \$53 billion in Social Security taxes which are reserved for Social Security and, instead, spends it on this new program. The Congressional Budget Office is telling us that in order to

fulfill all the discretionary requirements, \$71 billion will be required to manage this new government-run health care system. They're saying at the Congressional Budget Office that Medicare part A trust fund, the trust fund itself will be raided to the tune of \$398 billion.

"So if we actually count a dollar once, which is how law in math works, this bill has a \$454 billion deficit. I find it very interesting and noteworthy that just 2 days ago, the Speaker of the House said, We will be passing legislation in April, doing the so-called doc fix. Well, that's \$208 billion. And according to the Congressional Budget Office, when that will pass, combined with the double-counting and the gimmicks and the smoke and mirrors, we will have a \$662 billion deficit under this bill alone.

"Now, Mr. Speaker, let's think about the economic consequences because the economic consequences that will be borne by this bill are truly horrific. People are losing jobs in this country. Our unemployment rate is near 10 percent. For us to get our unemployment rate back to where it was before the economic crisis, back to 5 percent, we will literally have to create 250,000 jobs every month for 5 years in this Nation. So what does this bill do? It imposes a new tax increase of \$569.2 billion, over half a trillion in new taxes on labor, on capital, on families, on small businesses, on work, on jobs.

"And look at what we're looking at. Before even passing this bill, Mr. Speaker, we are going into a tidal wave of red ink of debt. The interest alone on the national debt that's about to befall us will be crushing to our economy. I asked the Congressional Budget Office, what would my three children face when they were my age? What we heard from the CBO was just alarming. By the time my three kids are my age—I am 40 and they're 5, 6 and 8 years old—the CBO said that the glide path that we are on before passing this bill, the tax rate on that generation by the time they're 40 years old will be that the 10 percent bracket goes up to 25 percent, middle-income taxpayers will pay an income tax rate of 63 percent, and the top rate that the small businesses pay will be 88 percent. This is the legacy we are leaving the next generation.

"Last year the General Accountability Office said that the unfunded liability of the Federal Government—meaning the debt we owe to all the promises being made—was \$62 trillion. You know what they say today, \$76 trillion. And what are we doing here? A \$2.4 trillion new unfunded entitlement on top of all of that. We can't even afford the government we've got right now, and we're going to be putting this new unfunded entitlement on top of it?

"Mr. Speaker, at the end of the day, though, what's most insidious, what's most concerning, what's most troubling about this bill is what the future holds. This bill subscribes to the arrogant idea that Washington knows best,

QUESTIONS OF ORDER

that Washington can organize and micromanage the entire health care sector of this country, 17 percent of our economy, one-sixth of our economy.

"Well, let me give you a glimpse into that future, Mr. Speaker. This is the Treasury's 2009 financial report. It tells us that we are walking into an ocean of red ink, of debt, of deficit, of spending. And the only way to get this under control, the only way to stop a debt crisis from befalling this country—much like Europe is about to walk into—if you have government-run health care, if you have the government take the rest of the health care sector over is to deeply and systematically ration health care."

Mr. KENNEDY was recognized to speak to the point of order and said:

"Notwithstanding this point of order, I urge passage of the underlying rule and for us to go forward with the health insurance on behalf of the 21 percent of my State's constituents under the age of 65 who are uninsured because they're either too young to qualify for Medicare or they're too middle class to qualify for Medicaid.

"No memorial, oration or eulogy could more eloquently honor his memory than the earliest possible passage of this bill for which he fought so long. His heart and his soul are in this bill.' While the above quote could easily refer to my father, and the context could easily describe this health care debate, these words were, in fact, spoken by my father as he rose on the Senate floor to honor his brother President Kennedy during the debate on the 1964 Civil Rights Act.

"The parallels between the struggle for civil rights and the fight to make quality, affordable health care accessible to all Americans are significant. It was Dr. Martin Luther King, Jr., who said, Of all forms of inequality, injustice in health care is the most shocking and inhumane. Health care is not only a civil right, it's a moral issue.

"Thank you, Madam Speaker, for your political and moral leadership in helping those to secure more advanced protections and benefits, especially in the area of mental health and addiction. Thank you, President Obama for delivering on your promise of providing the politics of hope rather than the politics of fear."

Mr. WELCH was recognized to speak to the point of order and said:

"Mr. Speaker, this debate has been long, but it is now complete. The arguments have been very contentious, but it is now time to decide. The bill before us is long, but the question that we face is really very simple.

"Will Congress today choose on behalf of the American people who elected us to build a health care system where every American has access to health care and where every American shares in the responsibility of paying for it.

"Will we today reinvigorate the American dream so that no parent with a sick child will wake up wondering if

they are going to have access to a doctor, so no father who loses health care because he loses his job is going to wonder how his family is going to be provided for, so no mother who becomes sick will lose the health care she has because she is sick.

"Will we today free ourselves from the shackles of a broken status quo, one that enriches health care companies but is punishing American families, punishing American employers, and punishing American taxpayers.

"That's the question, Mr. Speaker, that we face today in this Congress. And this Congress has a choice to act like the confident Nation we are that faces head-on the challenges that we face. We will do so today by voting 'yes' to move us so that we have a health care system in this country where every American is covered and we all help pay."

Mr. FARR was recognized to speak to the point of order and said:

"Mr. Speaker, I rise today to enter a letter from my next-door neighbor born with spina bifida. His parents were told to leave him in the hospital because he would be mentally retarded and he would never be able to get out of institutional care. His parents loved him and got him into school. He went through public high school, went to the University of California, graduated and got into Special Olympics. He tried to get a job. His coaches told him you will never be able to afford a job, you have a preexisting condition, you can't afford the insurance. You will have to stay on Medicaid the rest of your life.

"He writes in his letter to me, Dear Congressman, and goes on to say in closing, I ask that you please pass this comprehensive health care package so that today's kids aren't told the same thing I was told. Never again should boys and girls with disabilities hear from their mentors, You cannot afford to work.

"Emancipate people into the workforce; allow them to have insurance without preexisting conditions.

"I am proud that Ben Spangenberg is here today sitting in that corner. I am proud that he is a constituent of this great country."

Ms. JACKSON LEE of Texas, was recognized to speak to the point of order and said:

"Mr. Speaker, let me remind us of a man who does not live today, Senator Edward Kennedy told us that he had a vision and a resolve that the health care of Americans would no longer count on whether or not they were wealthy Americans. And we are reminded as well of the words of President John F. Kennedy that said: Ask not what your country can do for you, but what you can do for your country.

"This is not an unfunded mandate because we know full well that the CBO has said that this bill will pay for itself, that the deficit will be reduced by \$130 billion in the first 10 years, and that the deficit will be cut by \$1.2 trillion in the second 10 years. It eliminates the Medicare doughnut hole, and

it insures some 32 million more people. But I am standing here today because 45,000 Americans die every year like Eric, a 32-year-old lawyer who went to the emergency room not once but three times. They sent him away with antibiotics and aspirin, but he died. I cannot tolerate that. Today we will heal this land, and we will vote for this health care bill. It is not an unfunded mandate. This health care reform is fair and must succeed."

Mr. HARE was recognized to speak to the point of order and said:

"Mr. Speaker, I was here last November and I talked about my father and my mother. My dad was ill, we lost our house and everything we ever had. And when I came home from my sister's wedding, there was a deputy sheriff with a notice to evict. My dad thought somehow he had let us down. Two days before his death, a death that came way too early for somebody at 67, I sat by his bed and he said Phil, just do two things for me, two promises: take care of your mother and the girls. But the pain that the loss of this house has caused, and the pain this family has had to go through, whatever you do, please, do not let another family have to go through this.

"Last November I cast my vote in favor of our bill on behalf of my dad, my family, and for those people; and tonight, I will cast my vote in favor of this bill not just for my dad, but for the people who every 8 seconds in this Nation file bankruptcy and receive foreclosure notices because of health care. It is time to stand up and be counted. Tonight I will stand up, and I will be counted among the 'yesses'."

Mr. KAGEN was recognized to speak to the point of order and said:

"Mr. Speaker, today in the House of Representatives, we are going to answer the essential question: What kind of Nation are we? What kind of Nation would deny 30 million citizens access to health care? What kind of Nation would allow a child's illness to cause their family to go broke and lose their home? What kind of Nation would turn its back on neighbors who are in need, our seniors, our children, and millions of unemployed workers who through no fault of their own have lost their jobs, and soon, their hope. What kind of Nation are we? And what kind of Nation will we become if we do not pass this rule and pass essential health care legislation that we need?

"This bill will save lives, and it will save jobs by putting patients first, and guaranteeing that Medicare will be there when we need it.

"No longer will a child's illness cause their family to go broke and lose their home. Senior citizens will benefit by gaining access to prevention services with no copayments, no deductibles.

"This is going to be our time, and I would encourage all of us to stop pointing fingers and start joining hands. Pass this essential legislation and save our Nation.

"Today, in the House of Representatives, we will answer two essential

QUESTIONS OF ORDER

questions: What kind of Nation are we? and Whose side are you on?

"What kind of nation—would deny 32 million citizens access to health care? What kind of nation—would allow a child's illness or accident to cause families to go broke and lose their home?"

"What kind of nation—would turn its back on neighbors who are in need? Our senior citizens, our children and millions of unemployed workers who through no fault of their own have lost their jobs and need our help right here and right now?"

"And what kind of nation will we become if we do not take this positive step forward today? This bill saves lives and jobs by putting patients first, strengthening Medicare, and finally guaranteeing access to affordable care for all of us."

"No longer will a child's illness cause their family to go bankrupt and lose their home."

"Senior citizens will see a stronger and better Medicare as we begin to close the prescription drug program's donut hole."

"Small business owners will soon be able to buy health insurance for their employees at the same discounts big corporations do."

"We are beginning to fix what is broken in our health care system and improve on what we already have, at a price we can all afford to pay, for this bill is paid for and it reduces our national deficit by 1.2 trillion dollars over time."

"Today, in the house of Representatives, we must take a positive step forward and finally bring an end to all discrimination against any citizen because of the way they were born or the illness they may have."

"Today, people across America want to know whose side are you on? Are you sitting in the boardroom of a Wall Street run health insurance corporation? Or standing with your feet on the factory floor, prepared today to stand up for the best interests of your neighbors, by putting patients first?"

"Well, I am standing up for my patients and will vote yes on this bill, because it saves lives and jobs and begins to push insurance companies out of my patient's examination room."

"There is much work yet to do to clean up the economic mess we have inherited. So, let's stop pointing fingers and start joining hands and work together to build a better nation. Join me. Let's take this positive step forward today. Join me in this effort and we will finally begin to guarantee access to affordable care for all of us—for my patients cannot hold their breath any longer."

Mr. FATTAH was recognized to speak to the point of order and said:

"Mr. Speaker, I rise to thank the chairwoman and in support of the rule. This Easter season, we are reminded again that if we can just hold on past Friday, Sunday will come. Americans have been holding on for over 100 years. We have seen bankruptcies, we have seen needless deaths. We have seen

families denied insurance and children denied needed health care, but Sunday has come. This majority and this House is going to rise to the occasion. We will beat back this point of order, but much more importantly, we are going to beat these insurance companies and give the American public a health insurance reform bill that we all can be proud of."

Mr. RYAN of Wisconsin, was further recognized and said:

"Mr. Speaker, we can do better. It doesn't have to be this way. This is not democracy. This is not good government. One of the cornerstone principles of this Nation that the Founders created is the principle that we govern by consent of the governed. That principle is being turned on its head here today."

"More to the point, the shame of all of this is we have been offering constructive solutions from the very beginning. We have asked you to work with us on a bipartisan basis, step by step, piece by piece, work on the uninsured, work on preexisting conditions, work on costs, work on prices, work on the deficit. All along the other side said 'no,' we are doing it our way, one-party rule."

"This bill clearly violates the House rules. We shouldn't be waiving our own rules and imposing these costly mandates. We are going to hear many emotional appeals today. Let me tell you a little bit about my own. I have the best mother-in-law a man could ever ask for. She is 5 years facing stage 3 ovarian cancer, and she is still fighting it because of a drug called Avastin that is keeping her alive. Well, if she was a British citizen, she wouldn't have it because they deny this drug to their cancer patients. We are setting up the identical same bureaucracies they have there here."

"This bill explodes the deficit, it explodes the debt, and the only way to fix it is to put that kind of rationing in place. That is not what our government should be doing. This bill is a fiscal Frankenstein. It is a government takeover. It is not democratic."

"Mr. Speaker, my colleagues, it is not too late to get it right. Let's start over, let's defeat this bill."

Ms. SLAUGHTER was further recognized and said:

"Mr. Speaker, I want to urge my colleagues to vote 'yes' on this motion to consider so we can debate and pass the important legislation today."

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 228
affirmative } Nays 195

¶36.13

[Roll No. 159]

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶36.14)

PURSUANT TO CLAUSE 9 OF RULE XXI, A MEMBER WHO MAKES A POINT OF ORDER BY CITING LANGUAGE IN A RESOLUTION THAT WAIVES THE APPLICATION OF CLAUSE 9 OF RULE XXI IS RECOGNIZED TO CONTROL ONE-HALF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO CLAUSE 9 OF RULE XXI, AS DISPOSITION OF A POINT OF ORDER RAISED UNDER CLAUSE 9 OF RULE XXI, THE CHAIR PUTS THE QUESTION OF CONSIDERATION WITH RESPECT TO THE PROPOSITION THAT IS THE OBJECT OF THE POINT OF ORDER.

On March 21, 2010, Mr. ISSA made a point of order against House Resolution 1203, and said:

"Mr. Speaker, I make a point of order against consideration of the resolution. The resolution violates clause 9 of rule XXI by waiving that rule against consideration of H.R. 4872."

The SPEAKER pro tempore, Mr. SALAZAR, responded to the point of order, and said:

"The gentleman from California makes a point of order that the resolution violates clause 9(b) of rule 21."

"The gentleman has met the threshold burden under the rule and the gentleman from California and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration."

Mr. ISSA was further recognized and said:

"Mr. Speaker, my point of order is quite simple. In the last 2 weeks, both the House Republicans and the House Democrats have passed sweeping anti-earmark resolutions. Moreover, the leadership of the House has said that they will ensure that earmarks are in the past. But, Mr. Speaker, this legislation is filled with earmarks, not the least of which is the Louisiana purchase, not the least of which is the Bismark provision. Mr. Speaker, the amount of earmarks violating both Republican and Democratic House rules against earmarks is beyond the counting of any of us. My point of order is intended to stop the bill until earmarks can be removed from the bill."

"I might note, Mr. Speaker, last night until late at night, for more than 13 hours, Republicans offered 80 amendments, many of which could have fixed portions of this bill. None—I repeat,

QUESTIONS OF ORDER

Mr. Speaker, none—were ruled in order.

“Mr. Speaker, I make a point of order that an earmark is tantamount to a bribe. An earmark to receive a vote is clearly a way to get a vote in return for something of value.

“Mr. Speaker, this legislation is a vast tax increase and a vast increase in the reach of government. It deserves to be considered on its merits, not based on promises and bribes for financial gain to various Members’ districts. Therefore, it is clear we must remove all earmarks before this legislation can move forward.”

Ms. SLAUGHTER was recognized to speak to the point of order and said:

“My friends on the other side of the aisle are attempting to use a purely technical violation of the earmark identification rule to try and block the House from even considering the rule and the underlying legislation. In fact, the Budget Committee did include an earmark statement in their committee report.

“However, a minor technical error in that statement made the legislation subject to a point of order. The Budget Committee has since filed two clarifying earmark statements in the CONGRESSIONAL RECORD. Clearly these statements, as well as the initial statement in the committee report, should show that it does not violate the spirit of the earmark rule. I have copies of these statements for any Members who need clarification.

“The rule and the underlying legislation deserve to be debated on the merits, not stopped by purely procedural motions. I urge my colleagues to vote ‘yes’ so we can consider this important legislation, so important to the American people. Let’s not waste any more time.”

Mr. ISSA was further recognized and said:

“Mr. Speaker, I am flabbergasted. Perhaps the gentlelady from New York could tell me, does that mean that under the rule that the Louisiana purchase, the Cornhusker kickback, the Gator aid, and the Bismark bank job will be somehow removed from the legislation after its passage?”

Ms. SLAUGHTER was further recognized and said:

“I am happy to tell you that. The final bill will not have State-specific provisions. The provisions that are in apply to multiple States, and a provision in the education portion of the reconciliation bill regarding State-owned banks is being struck by the manager’s amendment.”

Mr. ISSA was further recognized and said:

“Reclaiming my time, I’m going to simply state for the record that our reading is that all of these will go to the President in the bill. And, of course, if by some miracle a bribe for one becomes a bribe for many States, somehow I don’t think the American people will find that particularly a happy day for anyone, except perhaps the few States who receive for a short time a special consideration.”

Mr. FLAKE was recognized to speak to the point of order and said:

“We’re all aware of the special provisions or earmarks in the bill: the Cornhusker kickback, the Louisiana purchase, the Gator aid. These earmarks, though, apart from the role they played in greasing the skids for this bill, are probably the least offensive part of the legislation.

“We desperately need health care reform, reform that lowers costs and improves quality through competition and market discipline. But such measures, such as allowing the purchase of health care across State lines and allowing individuals to purchase insurance with pre-tax dollars, are absent from the bill. Instead, the bill contains increases in taxes, mandates and bureaucracy that will only serve to further shield the health care industry from true competition—competition that is so desperately needed.

“Mr. Speaker, without this bill, the fiscal challenges that we face are incredibly steep. With this bill, they are almost insurmountable.

“There will come a day that the piper will have to be paid. We have shown ourselves unwilling to fess up to the challenges today. We can only hope that those elected this November and in the years to come will show more courage than we’ve shown today.”

Ms. CASTOR of Florida, was recognized to speak to the point of order and said:

“We’re going to fight through these dilatory tactics today and side with the American people and side with families all across this great country. For families that have health insurance, the insurance companies will no longer be able to cancel your coverage if you get sick. And if you switch jobs, the insurance companies will not be able to bar you from coverage just because you have a preexisting condition, like asthma or diabetes or some other disease happens to run in your family.

“As for our parents and our grandparents and our neighbors who rely on Medicare, Medicare will get stronger. Not one benefit will be cut. Not one. Despite the scare tactics from the other side of the aisle, Medicare will be stronger; the prescription drug coverage will improve.

“We’re going to focus on prevention because prevention works, it saves lives, and it saves money. We’re going to pay doctors that serve Medicare patients more money so that Medicare patients can keep their doctor and we can keep those smart doctors that serve Medicare patients working for all of us.

“And for small business owners and families that do not have affordable health coverage today, we’re going to create a new shopping exchange where they can compare plans in a transparent way and also provide new tax credits for small business owners and families all across America.

“Yes, we’re going to side with American families today because we’re not just Members of Congress, we’re daugh-

ters and sons and parents. We’re grandchildren. And once and for all, we’re going to ensure that all families all across America have what Members of Congress have. We’re going to side with families against the insurance companies, fight through these dilatory tactics, and pass this historic landmark legislation.”

Mr. POE of Texas, was recognized to speak to the point of order and said:

“This bill has special deals for special folks. The Louisiana purchase, a special deal for Florida, a special deal for two States in New England, and a special deal for Connecticut. And as much as my friends like to rail on the insurance companies, they give a special deal to Michigan Blue Cross so that they don’t have to get the new tax increases. Why is that? Because it’s special deals for special folks.

“This bill is unconstitutional. The Texas State Attorney General plus 30 other Attorneys General will sue the Federal Government if this bill passes because of special deals for special folks.

“Also, this bill is unconstitutional because it forces the American people to buy a product. Nowhere in the Constitution does the Federal Government have the authority to force you to buy anything, whether it’s insurance, a car, or a box of doughnuts.”

Mr. DREIER was recognized to speak to the point of order and said:

“Mr. Speaker, I would like to engage in a colloquy, if I might, with my distinguished committee Chair if that’s possible, if she would do that.

“Well, let me just say that the one thing that we are guaranteed, and please tell me if I am wrong, the one thing that we are guaranteed is that the Senate bill, under the rule that has been crafted by the Rules Committee, is the only thing that if it passes today we know will become public law; is that correct?”

“Under the rule that was crafted and reported out by the Rules Committee just before midnight last night, is it not true that the only thing that we are guaranteed to have become public law at the end of this day, if the votes are there, is, in fact, the Senate bill?”

Mr. KILDEE was recognized to speak to the point of order and said:

“Mr. Speaker, I spent 6 years in the Catholic seminary studying to be a priest and have always been pro-life. I will be 81 years old this September. Certainly at this stage of my life I am not going to change my mind and support abortion. I am not going to jeopardize my eternal salvation.

“I sought counsel from my priest, advice from my family, friends and constituents and I have read the Senate abortion prohibition more than a dozen times. I am convinced that the original prohibition of the Hyde amendment is in the Senate bill. No Federal funds can be used for abortion except in the case of rape, incest and to save the life of the mother.

“I am a pro-life Member, both for the born and the unborn.”

QUESTIONS OF ORDER

Ms. LEE of California, was recognized to speak to the point of order and said:

"I want to thank the gentlewoman for yielding and for her wonderful bold leadership. Today we will pass the historic vote to improve the health and wellness of millions of Americans who suffer because they are uninsured or underinsured and because of massive gaps in the Nation's health care system.

"I just want to say on behalf of the Congressional Black Caucus, we have to thank Congresswoman DONNA CHRISTENSEN and our health task force, Congressman DANNY DAVIS, Congresswoman DONNA EDWARDS, Chairman RANGEL, Congressman CONYERS, our majority whip, Mr. CLYBURN, for their very stellar leadership.

"We all cast our vote for all of the people who deserve health care but simply cannot afford it. We cast our vote for senior citizens who will see their prescription drug costs go down. We cast our vote for all of those who have no health care and end up in emergency rooms, and we cast our vote for our children and our grandchildren so that they will live longer and healthier lives. And we cast our vote in memory of those people who didn't have preventive health care and died prematurely.

"Health care will finally become a right for all."

Mr. SMITH of New Jersey, was recognized to speak to the point of order and said:

"Mr. Speaker, for those of us who recognize abortion as violence against children and the exploitation of women, nothing less than a comprehensive prohibition of public funding of elective abortion satisfies the demands of social justice.

"Regrettably, the language that emerged from the Senate is weak, duplicitous and ineffective, not by accident but by design. It will open up the floodgates of public funding for abortion in a myriad of programs resulting in more dead babies and more wounded mothers.

"For the first time ever, the Senate-passed bill permits health care insurance plans and policies, funded with tax credits, to pay for abortion, so long as the issuer of the federally subsidized plan collects a new congressionally mandated fee—an abortion surtax—from every enrollee in the plan to pay for other people's abortions.

"The Senate-passed bill creates a new community health center fund. Hyde amendment protection do not apply. Therefore, either the Obama administration or a court is likely to compel funding there as well. Also, the bill creates a huge, new program administered by OPM that would manage two or more new multistate or regional health plans.

"The legislation says that only one of those multistate plans not pay for abortion, which begs the question, what about the other multistate plans administered by OPM? Why are those

federally administrated plans with federally mandated fees permitted to include abortion—this represents a radical departure from current policy.

"Abortion isn't health care, Mr. Speaker. It is not preventive health care.

"We live in an age of ultrasound imaging, the ultimate window to the womb and its occupant. We are in the midst of a fetal healthcare revolution, an explosion of benign, innovative interventions designed to diagnose, treat and cure illnesses or diseases any unborn child may be suffering.

"Let's protect the unborn child and their mother. Obamacare, unfortunately, is the biggest increase in abortion funding ever."

Mr. LANGEVIN was recognized to speak to the point of order and said:

"Mr. Speaker, tonight we cast a vote to address one of our Nation's greatest unsolved challenges, and that is solving our Nation's health care crisis.

"This Congress is being given a once-in-a-lifetime opportunity to fix a broken health care system that has left millions of families without the coverage and care that they deserve or are struggling to keep the health care coverage that they do have. If we seize this opportunity tonight, we can ensure that tomorrow a working mom in West Warwick, Rhode Island, will wake up knowing that she can afford her family's health care coverage. A dad in Providence will wake up knowing he can take his daughter to the doctor when she gets sick. A small business owner in Westerly will be able to wake up knowing he can finally give his employees the coverage that he has always intended, and a cancer survivor in Narragansett will wake up knowing she won't be denied coverage because of a preexisting condition or lose her insurance because of a lifetime cap.

"Mr. Speaker, after an injury left me paralyzed almost 30 years ago, members of my community rallied behind me and my family at a time that I needed it the most. It's that time in my life that inspired me to go into public service so that I could give back to a community that gave me so much at a time when I needed it the most.

"Tonight I know that with all of my being I am fulfilling that promise, and I urge my colleagues to do the same by supporting this important piece of legislation and finally give America the kind of health care coverage that it deserves."

Ms. CHU was recognized to speak to the point of order and said:

"Health care reform will make life better for your son, your daughter, your mother, your father and the people you see every day. It certainly would have made life better for Eric, a young man on my staff.

"Eric was only 22 years old when he was diagnosed with cancer of the lymph node. He went through 2 years of chemotherapy on his father's health insurance. They paid thousands of dollars in copays and traveled hundreds of miles to find lower cost care, but at least they had insurance.

"The crisis came when he reached the age of 24 and was going to be kicked off his parents' insurance. He tried to buy insurance but was denied because of a preexisting condition.

"Thank goodness he got a job with us. But with health care reform he wouldn't have had to fear for his young life, because children will be covered up until their 27th birthday.

"With health care reform, we have a chance to save lives. For the sake of young people like Eric, we must pass health care reform."

Mr. SENSENBRENNER was recognized to speak to the point of order and said:

"Mr. Speaker, the gentleman from New Jersey [Mr. SMITH] is right on. This bill expands abortion funding to the greatest extent in history.

"I have heard that the President is contemplating issuing an Executive order to try to limit this. Members should not be fooled. Executive orders cannot override the clear intent of a statute.

"Secondly, yesterday everybody in this House voted in favor of the TRICARE bill, which preserved the DOD's right to administer this program. If an Executive order moves the abortion funding in this bill away from where it is now, it will be struck down as unconstitutional because Executive orders cannot constitutionally do that."

Mr. SCOTT of Georgia, was recognized to speak to the point of order and said:

"Mr. Speaker, it is very significant that we are having this debate on Sunday, the Lord's day, because this is the day of faith, and we are going to have to step forward on faith and courage.

"There are many people out here who have been warning and threatening us as to, if we vote on this bill, what will happen to us in the November elections. Well, that is not the question. The question is not what will happen to us in November. The question is, what will happen to the American people if we do not vote on this bill? That is why we have got to step out on faith, we have got to step out on courage. The American people are expecting it.

"Each and every one of us was elected here for some great purpose at some great time. Well, that great purpose is for health care for all the American people, and the time is now. Vote 'yes' for this bill and make America proud."

Mr. DREIER was further recognized and said:

"Mr. Speaker, I would like to engage in a colloquy with the distinguished Chair of the Committee on Rules and ask the question as follows:

"Is it not true that the only thing that we know with absolute certainty, if in fact it passes, is that the Senate bill will become public law?

"We have heard all about this reconciliation package, and the gentlewoman seems to be certain of its passage. But is it not true that this rule guarantees that the only thing that will be law for sure is the Senate bill,

QUESTIONS OF ORDER

which has the Cornhusker kickback, the Louisiana purchase, and those other items?"

Ms. SLAUGHTER was further recognized and said:

"Mr. DREIER, it is absolutely true that the Senate bill does contain those things. It has already been passed and requires no further action in the Senate.

"What we will do today is pass the bill, which will then be sent to the President and become law. We will this afternoon pass the reconciliation—".

Mr. DREIER was further recognized and said:

"Mr. Speaker, I encourage everyone to read the rule. Because the only thing that we are guaranteed upon its passage is that the Senate bill, with the Cornhusker kickback, Gator aid, Louisiana purchase, and all in fact becomes public law."

Ms. SLAUGHTER was further recognized and said:

"Yes, the Senate bill will become law today, followed by the reconciliation bill which contains the amendments to the law, which contains what everybody here wants us to take out. The best way that they can achieve their ends of removing the things that are objectionable from the Senate bill is to support reconciliation. And let's see if you can do it."

Mrs. CHRISTENSEN was recognized to speak to the point of order and said:

"Mr. Speaker, as a physician and chair of Health for the Congressional Black Caucus, someone who has worked long to bring quality health care to the underserved in country and inclusion for the Virgin Islands and other territories, I thank our President and House leadership for the commitment and determination that has brought us to the brink of this great victory, not just for some, but for all of the people of this great country.

"Today we will make insurance accessible and affordable to 32 million Americans, begin to eliminate health disparities, provide our children what they need to reach their full potential, and ensure that our seniors and disabled have the care they need.

"So let's get on with the rule and to voting "yes" on this bill, not just for a healthy America, but for a better America."

Mr. KINGSTON was recognized to speak to the point of order and said:

"I have to ask my friends who have spoken before me: If the bill is as good as you say it is, why are any of these bribes in the bill to begin with?

"The President said, January 25, 'It is an ugly process, and it looks like there are a bunch of backroom deals.'

"And here is something that does not come out in the reconciliation process: \$7.5 million to Hawaii, page 2,132. Libby, Montana 2,222, something about biohazard. Frontier States, \$2 billion, page 2,238. And it goes on. The Louisiana purchase. None of this comes out in reconciliation.

"And I know my friends on this side of the aisle feel just the same way. Not

one of those things comes out in the reconciliation process.

"My question is, if the bill is so good, where has the transparency been? Why all the backroom deals? Why this week alone has the President had 64 calls and visits to the White House to twist arms? Why the sweeteners?

"You know the bill is not as good as advertised. Vote 'no.' Let's work for a bipartisan bill."

Ms. SLAUGHTER was further recognized and said:

"Mr. Speaker, again I want to urge my colleagues to vote 'yes' on this motion to consider so that we may debate and pass this important legislation today."

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 230
affirmative { Nays 200

¶36.15

[Roll No. 160]

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶39.21)

AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT A GENERAL APPROPRIATION BILL PROPOSING TO RESCIND AN APPROPRIATION CONTAINED IN ANOTHER ACT IS LEGISLATION IN VIOLATION OF CLAUSE 2 OF RULE XXI AND WAS RULED OUT.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On March 24, 2010, Mr. OBEY made a point of order against consideration of the motion and said:

"Mr. Speaker, I make a point of order against the motion because it constitutes legislation on an appropriation bill, which is in violation of clause 2, rule XXI. The instructions in the motion include an amendment proposing to include language in the bill that would provide for the rescission of previously appropriated funds made available in other appropriation acts.

"This is clearly a legislative proposition, Mr. Speaker. Section 1052 of the House Rules and Manual states, in part: An amendment proposing a rescission constitutes legislation under clause 2(c).

"The amendment is, therefore, legislative in nature and is in violation of clause 2, rule XXI, and I ask for a ruling from the Chair."

Mr. LEWIS of California, was recognized to speak to the point of order and said:

"Mr. Speaker, as I suggested earlier, the bill before us contains almost \$6 billion in new spending, spending that is not offset by true reductions. Instead, this \$6 billion will simply pile more money on to the government's charge card and add to our already astronomical debt.

"Mr. Speaker, it is my understanding that the bill before us today is considered to be a general appropriations bill, and under the rules of the House, general appropriations bills are privileged and are to be considered in the Committee on Appropriations or sent to the Committee on Appropriations prior to consideration on the House floor.

"I have expressed my concern about the lack of regular order, the number of supplementals and appropriations bills that are not being heard in committee or subcommittee. I won't repeat all of those concerns, except to say that we are on this disastrous pathway because of our totally ignoring the need to make sense out of our national deficit and get a handle on spending.

"Mr. Speaker, I ask for consideration of my motion to recommit."

The SPEAKER pro tempore, Mr. BLUMENAUER, sustained the point of order, and said:

"The gentleman from Wisconsin raises a point of order against the motion on the basis that it violates clause 2 of rule XXI.

"The motion proposes to insert a rescission in a general appropriation bill. As provided in section 1052 of the House Rules and Manual, an amendment proposing a rescission constitutes legislation in violation of clause 2(c) of rule XXI.

"The point of order is sustained and the motion is not in order."

Mr. LEWIS of California, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. OBEY moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 239
affirmative { Nays 176

¶39.22

[Roll No. 185]

So the motion to lay the appeal on the table was agreed to.

QUESTIONS OF ORDER

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶40.7)

A RESOLUTION ALLEGING AN INADEQUATE INVESTIGATION INTO ALLEGATIONS OF IMPROPER CAMPAIGN CONTRIBUTIONS BY THE LOBBYING GROUP PMA BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, AND DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO REPORT ON THE EXTENT OF ITS INVESTIGATION INTO SAID ALLEGATIONS, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE REFERRED TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On March 25, 2010, Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1220):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it: Resolved, that not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	406
	Nays	1
	Answered present	15

¶40.8

[Roll No. 187]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶42.26)

A RESOLUTION ALLEGING IMPROPER CONDUCT BY A FORMER MEMBER WITH REGARD TO VARIOUS HOUSE STAFFERS AND INTERNS AND INSUFFICIENT RESPONSE THERETO BY THE HOUSE LEADERSHIP, AND DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO ESTABLISH A SUBCOMMITTEE TO INVESTIGATE THE CIRCUMSTANCES SURROUNDING THE FORMER MEMBER'S MISCONDUCT AND THE RESPONSES THERETO AND TO ISSUE A REPORT THEREON, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE REFERRED TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT A

RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On April 14, 2010, Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1249):

Whereas, on March 4, 2010, the Committee on Standards of Official Conduct issued the following public statement, "The Committee, pursuant to Rule 18(a), is investigating and gathering additional information concerning matters related to allegations involving Representative Massa";

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, in the days following Representative Massa's resignation, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, on March 11, 2010, the House of Representatives voted 402-1 to refer to the Standards Committee House Resolution 1164. The resolution would have directed the Committee on Standards of Official Conduct to "investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations";

Whereas, House Resolution 1164 also stated, "Within ten days following the adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an investigative subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so";

Whereas, thirty-four days have passed since the House vote on the resolution that, had it passed, would have required the Standards Committee to create an investigative subcommittee. Nevertheless, during that time the committee has failed to establish an investigative subcommittee and has issued no public announcements indicating its intention to do so;

Whereas, during the past thirty-four days, numerous news reports have made public additional disturbing information about Mr. Massa's actions and his staff's attempts to bring their concerns about Mr. Massa's conduct to the attention of Democratic leadership;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, as recently as this morning, the Washington Post published an article on its Web site and on page three of that newspaper headlined "Staffers' Accounts Paint More Detailed, Troubling Picture of Massa's Office";

Whereas, the same Washington Post article also contained the following sub-headline: "Workers Felt Helpless";

Whereas, in the wake of the aforementioned media accounts and a 402-1 vote by the House that should have signaled to the committee the seriousness of this matter, the continued failure by the Committee on Standards of Official Conduct to establish an

QUESTIONS OF ORDER

investigative subcommittee has held the committee and the full House to public ridicule;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled "Code of Conduct," states "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House";

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct;

Therefore, be it *Resolved*,

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members, officers and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than July 31, 2010.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	235
	Nays	157
	Answered	
	present	17

¶42.27 [Roll No. 202]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to

was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶43.16)

A RESOLUTION ALLEGING AN INADEQUATE INVESTIGATION INTO ALLEGATIONS OF IMPROPER CAMPAIGN CONTRIBUTIONS BY THE LOBBYING GROUP PMA BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, AND DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO REPORT ON THE EXTENT OF ITS INVESTIGATION INTO SAID ALLEGATIONS, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE REFERRED TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On April 15, 2010, Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1255):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investiga-

tion any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. OBERSTAR moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. OBERSTAR, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, announced that the yeas had it.

Mr. FLAKE demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	385
	Nays	0
	Answered	
	present	18

¶43.17 [Roll No. 206]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶47.7)

A RESOLUTION ALLEGING AN INADEQUATE INVESTIGATION INTO ALLEGATIONS OF IMPROPER CAMPAIGN CONTRIBUTIONS BY THE LOBBYING GROUP PMA BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, AND DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO REPORT ON THE EXTENT OF ITS INVESTIGATION INTO SAID ALLEGATIONS, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

WHERE A MOTION FOR THE PREVIOUS QUESTION ON A RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE HAS PREEMPTED A PENDING MOTION TO REFER SUCH RESOLUTION, THE MOTION TO REFER REMAINS PENDING

QUESTIONS OF ORDER

AND DEBATABLE UNDER THE HOUR RULE UPON REJECTION OF THE MOTION FOR THE PREVIOUS QUESTION.

THE HOUSE REFERRED TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On April 22, 2010, Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1287):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of

their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. HASTINGS of Florida, moved to refer the resolution to the Committee on Standards of Official Conduct.

Mr. FLAKE moved the previous question on the resolution to its adoption or rejection.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the motion on the previous question was preferential.

The question being put, viva voce, Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the	Yeast	187
negative	Nays	218
	Answered	
	present	16

¶47.8 [Roll No. 217]

So the previous question was not ordered.

A motion to reconsider the vote whereby the previous question was not ordered was, by unanimous consent, laid on the table.

Accordingly, When said motion to refer was considered.

After debate, On motion of Mr. HASTINGS of Florida, the previous question was ordered on the motion.

The question being put, viva voce, Will the House agree to the motion?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the	Yeast	402
affirmative	Nays	0
	Answered	
	present	17

¶47.9 [Roll No. 218]

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶69.28)

TO A BILL ADDRESSING SUBJECTS IN THE JURISDICTION OF THE COMMITTEE ON ARMED SERVICES AND SEVERAL OTHER COMMITTEES, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT BROACHING A SUBJECT IN THE JURISDICTION OF A COMMITTEE NOT REPRESENTED IN THE TEXT (THE COMMITTEE ON HOUSE ADMINISTRATION) IS NOT GERMANE.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On May 28, 2010, Mr. SKELTON made a point of order against consideration of the motion, and said:

Mr. Speaker, I make a point of order against this motion as it is not germane, and I insist on that point of order.

Mrs. BACHMANN was recognized to speak to the point of order and said:

"Mr. Speaker, the motion to recommit proposes to add a new amendment to the bill freezing the rate of pay for ourselves, Members of Congress, and for the non-uniformed Federal employees. The amendment relies on the definition of civil service provided in title V of the United States Code which covers positions in the executive, the judicial, and the legislative branches.

"The bill before us contains numerous and repeated references to title V of the United States Code, yet the gentleman makes the point of order that this amendment is not germane to the bill.

"Mr. Speaker, the bill before us includes provisions, such as the recently adopted Sarbanes amendment, that affect the policies of all executive branch agencies, not just the Department of Defense. And on that basis, I believe that the Chair will find the provisions of the amendment limiting pay for civilian executive branch employees germane. I also believe that the bill is broad enough to cover judicial employees as well.

"So, Mr. Speaker, that then leaves the question of ourselves, our pay, and that of non-uniformed Federal employees, legislative branch employees. So, therefore, Mr. Speaker, I believe it would be improper for the Chair to use a point of order for the purpose of protecting the employees of the legislative branch and for the purpose of protecting and shielding us Members of Congress from the pay freeze herein being proposed. And it would otherwise be in order for employees of the executive branch.

"And so, Mr. Speaker, I ask the question: Do we really want to go on record saying that the rules of this House should not be used to shield our own Members of Congress' salaries and also those of the legislative salaries of the non-uniformed branch from being fiscally irresponsible?

"So, Mr. Speaker, I urge you not to sustain the point of order because when the average wage and benefit package

QUESTIONS OF ORDER

of government workers is double that of private employees, then we should not use—

“We should not use the arcane rules to somehow exempt ourselves as a Member of Congress from our own pay increases and that of the non-uniformed Federal offices under the responsibility of tightening our belt.”

Mr. SKELTON was further recognized and said:

“Mr. Speaker, I insist on my point of order. It is not germane.”

The SPEAKER pro tempore, Mr. JACKSON of Illinois, sustained the point of order, and said:

“The gentleman from Missouri makes the point of order that the instructions proposed in the motion to recommit offered by the gentlewoman from Minnesota are not germane. The bill broaches a range of subject matters related to both national defense and to general operations of the Federal Government. This range of subject matters implicates the jurisdiction of several committees.

“The instructions proposed in the motion to recommit seek to prohibit certain future increases in pay for Members of Congress and employees across the Federal Government. This prohibition, by addressing the legislative branch, involves the jurisdiction of the Committee on House Administration.

“One of the fundamental principles of germaneness is that an amendment must confine itself to matters within the jurisdiction of the committees with jurisdiction over the pending text. To the Chair’s knowledge, the underlying bill is devoid of subject matter within the jurisdiction of the Committee on House Administration. Thus, the motion offered by the gentlewoman from Minnesota is not germane. The point of order is sustained. The motion is not in order.”

Mrs. BACHMANN appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. SKELTON moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mrs. BACHMANN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 227
affirmative } Nays 183

¶69.29 [Roll No. 334]

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶85.20)

TO A BILL ADDRESSING VARIOUS BENEFITS IN THE JURISDICTION OF COMMITTEES OTHER THAN THE COMMITTEE ON APPROPRIATIONS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT BROACHING A SEPARATE SUBJECT IN THE JURISDICTION OF THE COMMITTEE ON APPROPRIATIONS IS NOT GERMANE

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On July 1, 2010, Mr. LEVIN made a point of order against consideration of the motion to recommit with instructions, and said:

“I now insist on my point of order that the gentleman’s motion is not germane to this legislation.”

Mr. CAMP was recognized to speak to the point of order and said:

“Mr. Speaker, at a time of record deficits, it should always be germane to consider proposals to offset higher spending. And, in light of the Senate already rejecting an unpaid-for version of this bill just last night, I ask that the Speaker deny the point of order so we can pay for this bill and ensure that unemployed Americans do not continue to go without unemployment benefits.”

The SPEAKER pro tempore, Mr. SERRANO, sustained the point of order, and said:

“The gentleman from Michigan makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from Michigan are not germane.

“One of the fundamental principles of germaneness is that an amendment must confine itself to matters addressed by the bill, and to matters that fall within the jurisdiction of the committees with jurisdiction over the bill.

“The bill, as amended, addresses the availability of certain benefits, restrictions on those benefits, and budgetary issues related thereto. Such subject matters do not fall within the jurisdiction of the Committee on Appropriations.

“The instructions proposed in the motion to recommit propose an amendment to rescind various unobligated funds contained in a prior appropriation Act. That subject matter falls within the jurisdiction of the Committee on Appropriations.

“By addressing a matter unrelated to the issues addressed in the bill, and within the jurisdiction of a committee not represented in the bill, the instructions propose an amendment that is not germane.

“The point of order is sustained. The motion is not in order.”

Mr. CAMP appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. LEVIN moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. CAMP demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 220
affirmative } Nays 196

¶85.21 [Roll No. 422]

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶95.15)

PURSUANT TO SECTION 426(B)(4) OF THE CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OF ORDER UNDER SECTION 426(A) OF THE ACT AND SATISFIES THE THRESHOLD BURDEN SPECIFIED IN SECTION 426(B)(2) OF THE ACT BY CITING LANGUAGE IN THE RESOLUTION THAT WAIVES THE APPLICATION OF SECTION 425 OF THE ACT IS RECOGNIZED TO CONTROL ONE-HALF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO SECTION 426(B)(3) OF THE CONGRESSIONAL BUDGET ACT OF 1974, AS DISPOSITION OF A POINT OF ORDER RAISED UNDER SECTION 426(A) OF THE ACT, THE CHAIR PUTS THE QUESTION OF CONSIDERATION WITH RESPECT TO THE PROPOSITION THAT IS THE OBJECT OF THE POINT OF ORDER.

On July 28, 2010, Mr. FLAKE made a point of order against consideration of said resolution, and said:

“Mr. Speaker, I raise a point of order against H. Res. 1559 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).”

The SPEAKER pro tempore, Mr. BLUMENAUER, responded to the point of order, and said:

“The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

“The gentleman has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.”

Mr. FLAKE was further recognized and said:

QUESTIONS OF ORDER

"Mr. Speaker, I raise this point of order today not because of unfunded mandates in the bill, although, there are probably some, but because it is about the only opportunity we have here in the minority to protest the kind of treatment that these appropriation bills are getting in the Rules Committee and to protest the manner in which they are coming to the floor.

"It used to be that it was a time-honored tradition in this House to have appropriation bills come to the floor under an open rule. Over the past couple of years, that has turned into a structured rule, so many Members in this body, in the minority and the majority, have not had this opportunity. Let's take last year, for example.

"Every appropriation bill, all 12, came to the floor under structured rules. There were some Members on both sides of the aisle who offered multiple amendments throughout the year. That is the one chance they have to actually offer amendments on appropriation bills—the things that we are supposed to be doing here in Congress—and they weren't allowed to offer one. Many Members were denied the opportunity to offer any amendments.

"There were some 1,500 amendments offered last year. Just 12 percent, fewer than 200, were made in order. And, in fact, I offered about 635 myself. I was only permitted to offer 50, after the structured rule took effect.

"Now, the leadership on the majority side will often say, well, we have to keep order in this place, and people would simply offer dilatory amendments and take too long in the process. I remember times in years past, and I haven't been here that long, but just a couple of years ago where we would spend 2 or 3 or 4 days on one appropriation bill because that's what we do here. That's the important part of what we do. Yet, the majority can't seem to find time to allow all amendments to these bills.

"Instead of allowing debate on amendments to appropriation bills, let me give you some idea of what we've been doing over the past couple of months and why the statement that we simply can't allow people to offer this many amendments would be proper because we don't have time. Well, here's what we've had time for. And let me note that each one of these that I mention, and this is just a fraction of these kind of suspension bills that we've dealt with, each one of these allows for 10 minutes of debate. That's as much time as we allow on any amendment coming before on the appropriation bill.

"H.R. 1460, Recognizing the important role of pollinators. That one we dealt with just a month or so ago.

"H.R. 1491, Congratulating the University of South Carolina, the Gamecocks, for winning the 2010 NCAA Division I College World Series.

"H. Res. 1463, Supporting the goals and ideals of Railroad Retirement Day.

"Now, these things may be nice to do and nice to those who receive these

kind of accolades, but it's not the important business of this House. And so to say that we don't have time to actually debate amendments to these appropriation bills, and the one that we are dealing with today, many amendments that were submitted by Members were turned away, were not allowed in this structured role.

"Another thing we dealt with, supporting the goals of National Dairy Month. Now, how in the world is that more important than allowing Members to strike funding from appropriation bills?

"I need not remind this Chamber that 42 cents of every dollar we spend this year, 42 cents of every dollar we spend this year will be borrowed from our kids, from our grandkids, from whomever overseas who buys our bonds. And yet we can't allow time to let Members offer amendments to strike spending from these bills. We only allow a certain percentage of them.

"Supporting the goals and ideals of American Craft Beer Week. That was H.R. 1297 that we dealt with in the last couple of months, the time that we usually designate in this body to deal with appropriation bills.

"Congratulating the Chicago Blackhawks. That was H.R. 1439.

"Supporting National Men's Health Week.

"Recognizing June 8, 2010, as World Ocean Day.

"As I mentioned, these might be good things to do, but when they're taking up time that the majority seems to say now we don't have time for appropriation bills, that's wrong.

"And when they, in the Rules Committee, will say, sorry, the gentleman from Colorado or wherever else can't offer his amendment because we've taken too much time recognizing National Nurses Week or supporting the goals and ideals of National Learn to Fly Day or expressing support for the goals and ideals of Children's Book Week, recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, I think you're getting the picture here.

"It's a hollow statement to say that we don't have time to deal with these amendments on appropriation bills. The truth is the leadership simply doesn't want these things debated all that much.

Ms. PINGREE of Maine, was recognized to speak to the point of order and said:

"I appreciate the thoughts of my colleague from Arizona.

"I would say that I wouldn't stand up here and criticize nurses, dairy farmers, small breweries, which I have many of in my State, or even the pollinators. I actually have a daughter who's a beekeeper, and I think we all recognize the importance of pollination.

"But let me get serious here. Once again, my friends on the other side of the aisle, I think, are trying to block important legislation by using a proce-

dural tactic. They want to prevent this rule and the underlying legislation from going forward without any opportunity for debate, without an opportunity for an up-or-down vote on the legislation itself.

"I think that's wrong. I hope my colleagues will vote "yes" so we can consider this legislation on its merits and not kill it with a procedural motion.

"I say, let's not waste any more time on unrelated parliamentary measures. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass the bill today.

"I have the right to close but, in the end, I will urge my colleagues to vote "yes" to consider the rule."

Mr. FLAKE was further recognized and said:

"Mr. Speaker, I want to respond to the gentlelady.

"The gentlelady says that I am criticizing pollinators or beer distillers or whomever. I'm not. I'm just saying the Congress doesn't need to congratulate everybody who wins a championship or everybody who distills beer. I mean, it's just nutty for us to spend so much time on these things and then say, I'm sorry, we don't have time for Members to offer amendments on appropriation bills to actually strike spending so that we're not borrowing 43 cents on every dollar that we spend this year.

"Let me mention why it is that the leadership and the Appropriations Committee may not be so anxious for Members to debate these bills—because there are a lot of earmarks in them. This chart shows 11 of the 12 appropriation bills that have gone through either the subcommittee or committee. It looks like a hungry Pacman here, but what this shows in the red is the percentage of earmark dollars associated with powerful Members of Congress. That includes members of the Appropriations Committee, members of leadership, or chairmen of committees. That represents about 13 percent of this body.

"Yet, when you look at the number of earmark dollars or percentage of earmark dollars, Homeland Security, that 13 percent is garnering 52 percent of the earmark dollars. CJS, 57 percent; Agriculture, 76 percent of the earmark dollars are going to just 13 percent of this body, the 13 percent that are writing the rules here and are deciding that certain amendments simply won't be offered. That is wrong. We shouldn't be doing that. TTHUD, which we'll be doing just tomorrow, 42 percent of the earmark dollars are going to just 13 percent of this body.

"Is it any wonder that the leadership on the majority side does not want certain amendments debated here?

"MILCON VA, 51 percent going to just 13 percent of this body. Energy and Water, 53 percent; Labor/HHS, 66 percent; Interior, 60; Defense, 55.

"In Defense, we just learned today that an amendment has been submitted—I'm sorry, an earmark has been submitted, \$10 million for the

QUESTIONS OF ORDER

John Murtha Center, our beloved Member who deceased just a few months ago. We're going to earmark \$10 million to create a center in his honor in the Defense bill. I think that that ought to be debated here, but chances are we won't even get to the Defense bill.

"It's unlikely we're going to get to very many of the appropriation bills this year, and the ones that we do will come to the floor under a structured rule where Members will not be allowed to offer amendments, or just a few of them on the ones that the majority chooses to hear. They can choose the ones they don't want to hear and choose the ones that they hear.

"I would like to hear a response from the Rules Committee as to what reasoning goes behind which amendments will be allowed under what is traditionally an open rule and which ones will not.

"And I would yield to the gentlelady if she would explain the rule or how the Rules Committee arrives at this rule.

"I guess the gentlelady doesn't want to respond on this. I wouldn't either. I wouldn't want to try to justify closed rules or structured rules coming to this body on appropriation bills when we're spending more time doing things like recognizing the 50th anniversary of Title VI international education programs, recognizing the importance of manufactured and modular housing in the United States. These are all goods things. It doesn't mean we should spend time that could otherwise be debating appropriation bills, which is what we do here. We prioritize by funding. That's what Congress does. We have the power of the purse. And yet we're shortchanging that process so that we can support the goals and ideals of Student Financial Aid Awareness Month and raise awareness of student financial aid. Like I said, not a bad thing, but not something that should supplanting what we should be doing here.

"And so, Mr. Speaker, I would just plead with the Rules Committee and, more importantly, the leadership on the majority side to realize that the traditions of this body, the institutional things that we have here, open rules on appropriations, should be honored.

"Now, I've come here for the past 10 years and offered a lot of amendments, many of which when we were in the majority. My own party didn't like these amendments, but they suffered through them because they knew that things matter here like tradition or upholding the institution.

"So they allowed all amendments, some of which targeted Members of our own party. But the majority in power now doesn't seem to want that. They want to shield their Members from difficult votes and also shield those who are getting these earmarks from any scrutiny. These amendments aren't really scrutinized in the Appropriations Committee. So if they aren't ar-

gued and debated here, they simply aren't going to get a vetting."

Ms. PINGREE of Maine, was further recognized and said:

"Mr. Speaker, to the questions of my colleague from Arizona, I have to say you have far more experience in this body than I do. As you know, I'm a freshman Member. So I have only operated under the current process that we have today. I can't speak to what the process was like in the past.

"I can say, as a member of the Rules Committee, a tremendous number of amendments come before our committee. And if all of them were allowed to come to the floor, and if this were an open rule, I'm sure there would be some advantages and some opportunities for greater debate.

"On the other hand, on the issues that we're about to take up today, the essential issue of veterans benefits, which I'm going to look forward to speaking to in a few minutes, assuming that we vote down this current point of privilege, I am looking forward to the opportunity to move forward on taking better care of our veterans. And if we had a tremendous number of amendments before us today, I am not sure we would ever get there.

"In fact, when I look at some of the information that I have before me, I am reminded that during the DOD appropriations bill in 2009, when I was sitting on the Rules Committee, we actually had 606 amendments come before us. Many of them were just there, I think everybody would agree on both sides of the aisle, many of them were just there to score political points. So do our constituents want us to take up our time today with listening to political back and forth taking up day after day with 606 amendments, or do they want us to get right to the heart of the matter, and that is to move forward on the issue of taking better care of our veterans?

"And let me make one other point. You know, you've talked about earmarks, and you are very eloquent on the topic of earmarks; and I appreciate that. I think a lot of our constituents have great concerns about earmarks, how are they handed out, how does the budgeting process work here. But I do have to say as a freshman Member, I have taken great care to have a tremendous amount of transparency around the topic of earmarks.

"We hold appropriations meetings in our district. We invite individuals with any kind of issue to come before us that they would like to see appropriated, whether it's a highway bridge, or whether it's a community center, or whether it's a particular project that might benefit anyone in our district, the university, or some system. We actually ask each person who comes before us with an earmark request to make a 3-minute video. Then we post it on our Web site. Then we ask our constituents, do you have opinions on this?

"So while I understand much of the concerns about the earmark process, I

have to say as one Member who I can't say is in the top 13 percent of the highest recipients of earmarks, I still appreciate the process which allows me to take my constituents' wishes before the Appropriations Committee and say, you know, this would benefit my district, this would benefit my university, this would create more jobs. And I do it in a fully transparent manner. So I believe my constituents have the benefit of knowing all of the information around earmarking and doing the very best we can with making sure that process isn't handled in back rooms or in the dark of the night, but is actually a very transparent process.

"So I appreciate the concerns that you have brought before us today. I look forward to moving forward on the debate on this rule so that we can move forward on what I think is a vital part of our appropriations process, that's taking care of our veterans.

"So again, I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important legislation today."

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶96.6)

PURSUANT TO SECTION 426(B)(4) OF THE CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OF ORDER UNDER SECTION 426(A) OF THE ACT AND SATISFIES THE THRESHOLD BURDEN SPECIFIED IN SECTION 426(B)(2) OF THE ACT BY CITING LANGUAGE IN THE RESOLUTION THAT WAIVES THE APPLICATION OF SECTION 425 OF THE ACT IS RECOGNIZED TO CONTROL ONE-HALF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO SECTION 426(B)(3) OF THE CONGRESSIONAL BUDGET ACT OF 1974, AS DISPOSITION OF A POINT OF ORDER RAISED UNDER SECTION 426(A) OF THE ACT, THE CHAIR PUTS THE QUESTION OF CONSIDERATION WITH RESPECT TO THE PROPOSITION THAT IS THE OBJECT OF THE POINT OF ORDER.

On July 29, 2010, Mr. FLAKE made a point of order against consideration of said resolution, and said:

"Madam Speaker, I raise a point of order against H. Res. 1569 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a)."

QUESTIONS OF ORDER

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, responded to the point of order and said: "The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

"In accordance with section 426(b)(2) of the Act, the gentleman has met the threshold burden under to identify the specific language in the resolution on which the point of order is predicated.

"Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider said resolution?'."

Mr. FLAKE was recognized to speak to the point of order and said:

"Madam Speaker, I raise this point of order today not to debate a point of unfunded mandates, although there are probably some in the legislation. It is simply the only opportunity that members of the minority have to stand up and talk about this process. We are only given a minimal amount of time on the rule, itself, and, on the bill, just an hour of debate and then amendment debate. Unfortunately, although we have had an open process in terms of amendments on appropriation bills for as long as any of us can remember—for decades and decades and decades—for the last couple of years, we have had structured rules come to the floor where members of the minority and the majority aren't allowed to offer the amendments that they would like.

"Traditionally, Members could offer any amendment as long as it was germane and as long as it struck spending from the legislation and it was legislated on an appropriation bill. Yet this year and last year, for the first time, Members can't bring amendments to the floor. They have to submit them to the Rules Committee. Then the Rules Committee decides which ones they want to allow on the floor and which ones they don't or they will decide, Oh, you've offered 12 amendments, but you can only offer four. This limits the ability of the minority, in particular, to actually stand up and try to save money in the legislation.

"We have to remember that every bill we consider this year, every appropriation bill—and unfortunately, probably, we are only going to consider two until after the election. Of the ones we consider, 42 cents of every dollar we spend we are borrowing. We are borrowing 42 cents of every dollar we are spending for whatever we spend it on.

"Now, I think it is perfectly right and proper to ask: Is this right to spend, for example, money on, well, in this case, 461 earmarks in this piece of legislation alone? Some of them are for bike paths and street beautification. These are all good things, but they have no Federal nexus. They shouldn't be paid for by the Federal taxpayer. Yet, when we try to bring these amendments to the floor to debate them, only a few are allowed. Why is that?

"I would ask if the gentleman representing the Rules Committee can ex-

plain why this is happening, why in the world we are so hard-pressed for time now, apparently, that we can only consider a couple of amendments, 22 percent of those that were offered."

Mr. ARCURI was recognized to speak to the point of order and said:

"Madam Speaker, it is clear that this point of order has nothing to do with unfunded mandates. Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about preventing the bill from moving forward without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself. It is about slamming the door on the legislative process.

"I think that is wrong, and I hope my colleagues will vote "yes" so that we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary roadblocks and get to the debate on this legislation, itself. It is a very important piece of legislation that has critical funding pieces in there for transportation and for housing. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass the bill today."

Mr. FLAKE was further recognized and said:

"Madam Speaker, slamming the door on the legislative process. My taking 10 minutes to talk about this rule is slamming the door on the legislative process.

"How is that?

"What I am here to talk about is how the door has been slammed on the legislative process. The inability of Members to come and offer amendments to appropriation bills to try and save money is what is slamming the door on the legislative process. It has nothing to do with somebody's standing up and claiming time to speak against the rule.

"So that is just baffling to me and to anybody out there, listening, when they learn that I offered 11 amendments. There were 461 earmarks which were costing nearly \$330 million. I should note, this year, Republicans have taken a moratorium. So, of those 461 earmarks, only six were sponsored by Republican Members—six out of 431. I commend my Republican colleagues for the position that has been taken this year.

"Let me just read a list of the ones that I will be challenging today:

"I was allowed to choose four out of the 11 I submitted. Now, I could have submitted a lot more and could have tried to have been dilatory about this, but I said, I'll offer just as many as I would if that were the number that I could actually offer coming to the floor. But I was only allowed four.

"I should mention many of my Republican colleagues who offered earmark amendments were not given any, not any. Some of them had a great case to make here. They would have asked, for example, why it is that certain

Members requested, say, \$4 million for an earmark and got more than that, actually, given to them.

"Why is it, if you take the position that some Members take, that, hey, I know my district better than anybody else, better than those faceless bureaucrats we always hear about in the bureaucracy, so I need \$4 million for this bike path or whatever, and you get \$5 million, how is that? That's a good question to ask. It would have been nice to get the answer for that, but we won't be able to because those Members were denied the ability to come down and offer their amendments.

"I'll be offering amendments to strike funding, for example, for the Blackstone River Bikeway in Rhode Island. It might be a good bikeway. They might need it there. But I can tell you, the Federal Government doesn't need to pay for it. The Federal taxpayer doesn't need to pay for it, especially when we're spending 42 cents of every dollar—we're borrowing, I'm sorry, 42 cents for every dollar we spend.

"I would challenge any Member who will vote against my amendment to strike funding from the Blackstone River Bikeway in Rhode Island to go home and say, with a straight face to their constituents, yes, I think it's proper that we borrow 42 cents from either the Chinese or from your kids or grandkids because we can't pay for it now, for the Federal Government to pay for a bikeway in Rhode Island.

"Or for downtown Tacoma streetscapes, a downtown Tacoma streetscape improvement project in Washington. Why in the world should, in this case, a powerful member of the Appropriations Committee be able to get an earmark to pay for downtown Tacoma streetscapes?

"Again, we're borrowing 42 cents for every dollar we spend there. Go home to your constituents, I dare you, and say, yes, I voted to uphold, to keep that earmark in there. It was so important that we got the downtown Tacoma streetscape project that we're borrowing 42 cents from your kids and grandkids to pay for, just so I can go home to my constituents and say, hey, I bring home the bacon.

"Or the restoration and improvements to the historic Darwin Martin House Home and Complex. Now, it might be good. Why is the taxpayer paying, through the Federal Government, and borrowing 42 cents on every dollar to do that?

"Or the construction of a children's playground. It might be a good playground, the children might need it somewhere, but it's not the Federal Government's responsibility. And go home to your constituents, I dare you today, anybody who votes to strike my amendment or votes my amendment down to strike that funding, go home and explain why in the world we need construction of a children's playground and borrow, those kids who are going to be playing on it, borrow their money because we can't pay for it now. But it's so important for us to go home and

QUESTIONS OF ORDER

say I brought home the bacon that we're going to approve that earmark.

"Let me tell you another reason why we can't reform this process very easily. This chart will show you the appropriations process this year. And it looks, people have said, like a PAC-MAN chart. But the red there is the percentage of earmark dollars that are associated with powerful Members of Congress. Those are either appropriators, or those who chair committees, or those who are in leadership positions. That makes up about 13 percent of the body.

"In this bill today, and this is one of the lower ones, 42 percent of the earmark dollars are going to just 13 percent of the Members of this body.

"Now, for those who say, hey, we're here to earmark because we know our constituents better. We know our district better than those faceless bureaucrats, apparently you only know your district if you're a powerful Member or you're a member of the Appropriations Committee. That seems to be the determiner of whether or not you know your district. And I just don't think that's right.

"I said earlier in a 1-minute something, and I was wrong and I want to confess that. I said that it takes 10 minutes to debate a suspension bill. And in that same 10 minutes of debating a suspension bill we could debate an amendment, an amendment takes 10 minutes.

"I was wrong. It takes 40 minutes; 40 minutes are allotted to debate suspension bills. So we could actually debate four amendments for the time that it takes to debate one suspension bill.

"And let me remind those who are watching what a suspension bill is. It's a bill that doesn't go through the regular process. It's brought to the floor because it's typically noncontroversial.

"This year we've done a lot of suspension bills. We have recognized the important role of pollinators, as I mentioned, H.R. 1460.

"We spent 40 minutes supporting the goals and ideals of Railroad Retirement Day.

"We spent 40 minutes supporting the goals of National Dairy Month. Those might be good things, but we don't need to spend 40 minutes debating on the floor the goals and ideals of National Dairy Day, or supporting the goals and ideals of American Craft Beer week, or congratulating the Chicago Blackhawks, spending 40 minutes there, when every 40 minutes you spend apparently is 10 minutes, or 10 times 4, that we don't do amendments here on appropriation bills.

"So the notion that we're running out of time, somehow, and we don't have time to do appropriation bills, typically, the months of June and July are reserved mostly to do appropriations bill we've done. We've done the last one yesterday. We're going to start and finish this one today.

"In years past, we've taken sometimes 3 or 4 days to do one appropria-

tion bill. That's perhaps as it should be because this is important. We're spending a lot of money here. That's what Congress does. But we ought to take care, and we ought to allow Members who have amendments to try to save the taxpayer money to actually offer them."

Mr. ARCURI was further recognized and said:

"Madam Speaker, it's clear that this point of order has nothing to do with unfunded mandates. My friend from Arizona talks about the inability to make any amendments, and yet he talked about four amendments that he would be offering today. So, clearly, he will have an opportunity to make his points.

"Again, I would just say that this point of order has nothing whatsoever to do with unfunded mandates. And I want to urge my colleagues to vote "yes" on the motion to consider so that we can debate and pass this important piece of legislation today."

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, the House decided to consider said resolution.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶97.20)

A BILL WITH A REPORT THAT CONTAINS NEITHER A LIST OF CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS IN THE BILL (AND THE NAME OF ANY MEMBER, DELEGATE, OR RESIDENT COMMISSIONER WHO SUBMITTED A REQUEST TO THE COMMITTEE FOR EACH ITEM ON THE LIST); OR A STATEMENT THAT THE BILL CONTAINS NO SUCH EARMARKS OR BENEFITS IS NOT IN ORDER UNDER CLAUSE 9 OF RULE XXI.

On July 30, 2010, Mr. HASTINGS of Washington, made a point of order against consideration of said bill, and said:

"Mr. Speaker, I raise a point of order against consideration of H.R. 3534 because it does not comply with clause 9(a) of rule XXI, because the committee report to accompany the measure does not contain a statement that this bill contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"I would point the Speaker to page 125 of the accompanying report. The report contains a statement that H.R. 3435 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits. That is not the proposition that we are considering today. Today we are considering H.R.

3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2009. However, the proposition identified in the committee report is H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save program. As it happens, that measure was signed into law on August 7, 2009, and is Public Law 111-47. So it cannot be the proposition that we are considering today.

"Clause 9(a) of rule XXI prohibits the consideration of "a bill or joint resolution reported by a committee unless the report includes a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits." The rule specifies "the" proposition, not "a" proposition. Thus the statement in the committee report fails to meet the test because it describes a proposition rather than the one which is the subject of the report.

"Normally, clause 9(d) would preclude the Chair from even entertaining this point of order. However, it also specifies "the" proposition and not "a" proposition and thus is inapplicable in this case.

"I would also note that the rule providing for consideration of H.R. 3534 specifically exempts clause 9 of rule XXI from the waiver of all points of order against consideration of the bill; so the bill is exposed to this point of order.

"Accordingly, Mr. Speaker, I insist on my point of order."

The SPEAKER pro tempore, Mr. JACKSON of Illinois, sustained the point of order, and said:

"The gentleman from Washington [Mr. HASTINGS] makes a point of order that the bill violates clause 9(a) of rule XXI.

"Under clause 9(a) of rule XXI, it is not in order to consider a bill or joint resolution, unless the committee report on the measure includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

"The Chair has examined the relevant committee report, House Report 111-575, and finds that it contains on page 125 a statement with regard to another measure, H.R. 3435, but not a statement with regard to this bill, H.R. 3534.

"Accordingly, the point of order is sustained. Consideration of the bill is not in order."

PRIVILEGES OF THE HOUSE

(¶99.7)

A RESOLUTION ALLEGING THAT SECRET PLANS TO ADVANCE CONTROVERSIAL LEGISLATIVE AGENDA ITEMS DURING A LAME DUCK SESSION CALLS INTO QUESTION THE CONDUCT OF MEMBERS AND PLEDGING THAT THE HOUSE "NOT AS-

QUESTIONS OF ORDER

SEMBLE ON OR BETWEEN THE DATES OF NOVEMBER 2, 2010 AND JANUARY 3, 2010, EXCEPT IN THE CASE OF AN UNFORESEEN, SUDDEN EMERGENCY REQUIRING IMMEDIATE ACTION FROM CONGRESS" PRESCRIBES A SPECIAL ORDER OF BUSINESS FOR THE HOUSE AND, THEREFORE, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On August 10, 2010, Mr. PRICE of Georgia, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas the 111th Congress has failed in its promise to be the most open Congress in history, but has instead lost the public's trust by engaging in unprecedented political procedures to advance a partisan agenda;

Whereas on January 18, 2006, House Minority Leader Nancy Pelosi stated in prepared remarks, "Democrats are leading the effort to turn the most closed, corrupt Congress in history into the most open and honest Congress in history.";

Whereas on November 7, 2006, House Minority Leader Nancy Pelosi stated, "The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.";

Whereas on November 16, 2006, incoming House Speaker Nancy Pelosi stated, "This leadership team will create the most honest, most open, and most ethical Congress in history.";

Whereas on December 6, 2006, incoming House Speaker Nancy Pelosi stated, "We promised the American people that we would have the most honest and open Government and we will.";

Whereas incoming Majority Whip Clyburn stated on December 8, 2006 that, "Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body";

Whereas Speaker Pelosi spoke of individual Member's ethics on January 31, 2007 when she stated, "These strong [ethics] rules are significant steps toward honest leadership; enforcing these rules is critical to ensuring every Member of Congress lives up to the highest ethical standard";

Whereas on January 5, 2010, while at a press conference during the health care debate, Speaker Pelosi stated, "There has never been a more open process for any legislation";

Whereas this statement was reiterated by the Speaker while at a press conference on February 26, 2010, when a reporter prefaced a question about Rangel by noting that Speaker Pelosi had promised to run the "most ethical and honest Congress in history" she interrupted him to say: "And we are.";

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democrat control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democrat control, than in the previous Congress, 22, under Republican control;

Whereas zero bills have been considered so far in the 111th Congress under an open rule;

Whereas 26 bills have been considered so far in the 111th Congress under a closed rule, under Democrat control;

Whereas this Congress is the highest spending Congress in United States history;

Whereas this Congress has presided over the two highest budget deficits in United

States history at a time when the public debt is higher than at any other time in history;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American business and families;

Whereas this Congress continued its free-flowing spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the six largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to \$3,000 per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a massive Government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—at a cost of \$2.64 trillion over the first ten years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over ten years;

Whereas this Congress passed the DISCLOSE Act in violation of the first amendment, hindering citizens associations' and corporations' free speech while leaving all unions exempt from many of the new requirements, in order to try and influence the outcome of 2010 elections;

Whereas in spite of House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address the Fannie Mae and Freddie Mac behemoths, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remediation program ("cash for caulkers"), and countless other pork barrel projects while allowing the public debt to reach its highest level in United States history;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm elections in November 2010;

Whereas the New York Times reported on June 19, 2010 that, "For all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis

abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections.";

Whereas the Washington Times reported on June 22, 2010 that House Majority Leader Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year.";

Whereas the Hill reported on June 24, 2010 that Senator Tom Harkin, a Democrat from Iowa, suggested that Democrats "might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said in reference to EFCA.";

Whereas the New York Times published an article on June 28, 2010 titled "Lame-Duck Session Emerges as Possibility for Climate Bill Conference" that declares "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January.";

Whereas the Hill reported on July 1, 2010 that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls.";

Whereas the Wall Street Journal reported on July 13, 2010 that, "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation.";

Whereas the Hill reported on July 27, 2010 that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up.";

Whereas the Hill reported in the same piece on July 27, 2010 that the lame duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas the Declaration of Independence notes that governments "[derive] their just powers from the consent of the governed";

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at town halls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a "lame-duck session of Congress";

Whereas the Democrat majority has all-but-announced plans to use any "lame-duck Congress" to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas any such action would be a repudiation of the American people's expressed will and would not comport with the Democrats' public statements promising transparency and accountability; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of Government expansion and freedom retrenchment,

QUESTIONS OF ORDER

the American people have lost confidence with their elected officials, and that faith must be restored: Now, therefore be it

Resolved, That the House of Representatives—

(1) reaffirms the principle expressed in the Declaration of Independence that governments “[derive] their just powers from the consent of the governed”;

(2) recognizes the fundamental importance of trust existing between the American people and their elected officials;

(3) confirms that adhering to the will of the people is imperative to upholding public trust;

(4) states that the American people deserve to know where their current elected officials stand on key legislative issues before Election Day;

(5) states that delaying controversial, unpopular votes until after the election gives false impressions to voters and deliberately hides the true intentions of the majority, while denying voters the ability to make fully informed choices on Election Day; and

(6) pledges not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, spoke and said:

“Does the gentleman from Georgia wish to present his argument on why the resolution is privileged under rule IX to take precedence over other questions?”

Mr. PRICE of Georgia, was recognized to speak to the question of the privileges of the House and said:

“Madam Speaker, I hold in my hands here the House Rules and Manual, which includes the rules of the House of Representatives. And under rule IX it states, in part, that questions of privilege shall be those affecting the rights, reputation, and conduct of Members.

“Clearly, Madam Speaker, the reputation and conduct of Members is in question and highlighted in this resolution. What could be more questionable regarding conduct of Members than acting in a disingenuous manner by saying that a lame-duck session will not include controversial items and then planning to do just that?

“Madam Speaker, the intent of the majority is clear. They wish to spend more, they wish to tax more, they wish to borrow more, and they wish to harm job creation in a lame-duck session. And the American people don’t want this.

“To positively and responsibly represent our constituents, Madam Speaker, I respectfully request that the resolution be considered.”

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

“The resolution offered by the gentleman from Georgia declares a variety of facts and circumstances, expresses certain opinions, prescribes principles by which to schedule or conduct the constitutional session of the House, and proposes a special order of business with respect thereto.

“In evaluating the resolution under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special order of business for the House.

“The averment that this resolution presents a question of the privileges of the House under rule IX embodies precisely the contrary principle, under which each individual Member of the House would constitute a virtual Rules Committee, able to place before the House at any time whatever proposed order of business he or she might deem advisable simply by alleging an insult to dignity or integrity secondary to some action or inaction. In such an environment, anything could be privileged; so nothing would enjoy true privilege. With every question having precedence over every other question, the legislative attention of the House would be managed ad hoc by the presiding officer’s discretionary power of recognition.

“Accordingly, under the long and well-settled line of precedent presently culminating in several rulings during the first session of this 111th Congress, the Chair finds that such a resolution does not affect ‘the rights of the House collectively, its safety, dignity, or the integrity of its proceedings’ within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

“The Chair therefore holds that the resolution is not privileged for consideration ahead of other business. Instead, the resolution may be submitted through the hopper for possible consideration in the regular course.”

Mr. PRICE of Georgia, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. POLIS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. PRICE of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 236
affirmative { Nays 163

¶99.8

[Roll No. 515]

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PERSONAL PRIVILEGES

(¶99.10)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF MEDIA CHARACTERIZATIONS OF HIS OFFICIAL CONDUCT.

On August 10, 2010, Mr. RANGEL rose to a question of personal privilege.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to rule IX, recognized Mr. RANGEL for one hour.

“My dear friends and colleagues, I rise to the floor because the newspapers and the media have indicated that there is a concern about some of the Members in this House that I retire or remove myself from this body. And I have always tried to play by the rules. And I cannot think of anybody that has encouraged me to speak here.

“I want to thank all of you who are concerned about me for saying that, you know, a guy’s a fool to represent himself, as some of the people have said. But I have been losing a lot of sleep over these allegations, and my family and community. And some of these rules that they have is that I am restricted by confidentiality. But for years I have been saying, No comment, no comment, no comment to a lot of serious allegations because I could not comment, and I would refer them to the Ethics Committee.

“When the Ethics Committee finally brought out their statement of alleged violations, it was a long list of things, and somehow the chairman of the subcommittee of investigation indicated that I had received a lot of offers to settle this thing so that it would not cause embarrassment to my Democratic friends, and that I had been offered a reprimand. And a lot of people kind of felt that that sounded like a wonderful opportunity to remove this so that I could leave the Congress with some degree of dignity.

“Why, even some people said that the President had suggested that his life might be made easier if there was no CHARLIE RANGEL so-called scandal. But I interpret it another way. I think when the President said that he wanted me to end my career in dignity, he didn’t put a time limit on it. And I would think that his concern would be that if any Member of the House of Representatives has been accused of serious crimes or allegations, that somehow within the process, even though we are not entitled to a court process, there has to be some process in which the Member has an opportunity to tell his constituents, his family, and his friends what he didn’t believe.

“So when the chairman of the investigative committee said I had been offered a settlement, it reminded me of something that I will devote my retiring years to besides education, which is the major thrust of my attempt here, is that those of you that come anywhere near criminal courts, we have a

QUESTIONS OF ORDER

terrible thing that happens throughout these United States. And that is that someone gets arrested for a very serious crime, and they get their lawyer, and the lawyer explains that, I think it's better that you plead guilty to a lesser crime. And he says, Well, I am not only not guilty, but I don't even know what's involved here. They said, Well, listen, we are not suggesting that you plead guilty if you are innocent, but we think you ought to know that this judge, if you are found guilty, is going to send you away for 20 years. On the other hand, you have no offenses, you are a first offender, and if you could just forget about this thing and explain later what happened.

"So he continues to tell his lawyer that, hey, I am willing to admit what I have done wrong, and I have done some things wrong, but I shouldn't have to anyway. He says, listen, we would never tell you to quit or resign. We are just telling you that it would be easier for us if this were not an issue. But knowing the President as I do, I think he believes that dignity means that everybody is entitled to be judged for allegations against them.

"Now, what is working against me? We come back to this House because the Speaker has called us here in order to make certain that we provide resources for governors and mayors to maintain our teachers and our firefighters, and RANGEL is not on the schedule for anything. Which is okay, because I know that the members of the committee, they work hard, it is a selfless job. God knows I wouldn't take it. I respect the time that they have placed on this. And it has been almost 2 years.

"But I have a primary that takes place a couple of days before they even thought about meeting. And then I found out from my lawyer that even when they meet on the 13th of September, there is no trial date for then.

"So I don't want to be awkward and embarrass anybody. As a matter of fact, those people that believe that their election is going to be dependent on me resigning, I would like to encourage Democrats to believe, I think Republicans have given you enough reason to get reelected, and they continue to do something.

"But quite frankly, I think I have given. I mean, a lot of people don't know, but when the—well, I don't want to be critical of the Ethics Committee because my lawyer said you can't get annoyed with them because there still may be room for settlement. And I thought about it.

"Well, when I found out that one of the Republicans that will be sitting on what they call the adjudication committee had made remarks condemning me for my contribution to City College, that it was a RANGEL thing, an ego thing and a corrupt thing, and he was going to judge me, I asked my lawyer, I said, well, how can they do that? They said well, the Ethics Committee can do what they want.

"I said, well, do me a favor. I have paid close to \$2 million. I continue to owe you money. And you are telling me that you have no idea when there is going to be a hearing, and every time I talk with you there are six or seven lawyers. I said, do me a favor. I said Friday, let's see what happens today in terms of reaching out to settle this thing, because I can't afford to be represented by counsel.

"Each and every day the expenses build up, and I think that I have an obligation to younger Members of Congress to be able to tell them if you couldn't raise the \$2 million, you are out of business, no matter what the allegations are, because no one is going to read the defense. And, of course, just the allegations by themselves with Members who have close districts, Republicans and Democrats, they would be out of business. So I am here because I could afford lawyers for close to 2 years, but everyone would know that there comes a limit.

"So I told them, just put everything on hold. See what happens when we meet here. And, guess what? Nothing happened. There is no agenda. So what they are saying is that, well, the Ethics Committee will be leaving for Members to be able to work in their districts and to get reelected, and I am having a primary that I have to wait until after my primary to find out when the Ethics Committee intends to have a hearing. And then that hearing comes just before, maybe, the general election.

"There must be something wrong with the rules, because people would advise me that I can only hurt myself by coming before this committee. Nobody has tried to protect the integrity of the Congress with 2 years, almost 2 years of investigation. They said the mistakes that RANGEL has made should be public, and it should have been public earlier than now. And I couldn't say anything because I didn't want to offend and don't want to offend the Ethics Committee. But the Ethics Committee won't even tell me when I am going to have a hearing.

"And, heck, people who are concerned about me, I am 80 years old. I don't want to die before the hearing. And I think my electorate are entitled to find out who their Congressman for 40 years is. Who am I? Am I corrupt? Did I get a nickel? What did they offer me. And I want to be a role model for new Members and tell them the mistakes I made so they don't make them.

"So they list foundations that specialize in providing funds for education for kids. So I am convinced that the President wants some dignity in knowing that not only am I one of his strongest supporters, but I know that you know that unless we are able to provide education for every child that is there, almost by any means possible, that our Nation's national security is being threatened by foreigners, our ability to be ahead of the curve in terms of trade. And nobody is more supportive of the President in trade.

Clear up some of the things in the Korean bill so you don't hurt us. Clean up a little corruption and violence in Colombia and move on with the thing. So the whole idea is really me trying to have some dignity in making certain that America is stronger.

"Now, the thing is that in the haste of sending out hundreds of letters, never asking for a penny, but still suggesting I wish you would meet with these people, because I knew that I would hope that they would convince them to provide money. Now, a lot of people have done that. That doesn't mean it is right. But the rules have changed. So there has to be a penalty for grabbing the wrong stationery and not really doing the right thing.

"But it is not corrupt. It may be stupid, it may be negligent, but it is not corrupt. And there is no indication that any sworn committee would say I received a benefit.

"Some might say that the benefit was that you have a legacy with your name up there. Well, I wish you would go to my Web site to take a look at my answers. This is a broken-down building that you have to run away from if someone is going to put your name on it. But it is still there.

"Then they say that I would receive a luxurious office. The sworn testimony was they never told me they were giving it to me. Who the heck needs an office with 40 years of service in the Congress in a broken down building? Then they said, hey, we didn't ask him. We just put it in there so that we encourage people to put it in there. They said the name they thought was not a benefit for me, but a benefit in order to get money.

"So I can't imagine why, in the course of all of these things, that I used government personnel, I didn't buy stamps—well, if you think that it is official and you are wrong, then I violated the franking benefits.

"And at the end of the day, the inferences are very serious, and mistakes can be made and these things shouldn't have happened. But I can't walk away and have you guys doing your campaign because I am annoying, and the action is out there calling me corrupt.

"And no one is coming forward saying RANGEL is not corrupt. RANGEL didn't make a nickel. No witness ever said there was preferential treatment given. And the one guy that had an issue before the Senate, staff, Republicans, everybody said it never came before the House but they keep putting it down there. And guess what? It was the district attorney of New York over 40 years that suggested that I meet with him because he was in the education philanthropic business, in addition to having business in the Senate, which Republicans and Democrats say never came to the Ways and Means Committee, and staff certainly can prove it.

"I don't know how far to go with making a mistake and trying to help kids, but you have to be very careful, new Members, of making certain when

QUESTIONS OF ORDER

they change the rules that you know what happens. And I'm prepared to say I'm sorry for any embarrassment that has caused.

"Another issue has to do with having an office, a congressional office, in the building that I live in. Now, forever people have said that I have taken advantage and had four rent-controlled, stabilized apartments. Nobody has said that the Ethics Committee never found four stabilized apartments. No one said I broke any laws. No one said that the apartment that they considered two had always been considered one at the least. No one said that 10 years ago there was an apartment, one-bedroom apartment, that I got for my family, for my political friends that I no longer have. But the concern was, well, how do you explain the congressional office?

"Well, let's read the landlord's testimony. He said he was 20 percent vacant, that he needed money, that he knew that the checks were paid by the congressional committee, that the mail came in there 'Rangel for Congress,' and that the lawyers have told him and the officials of the city and State of New York that there was no violation of any law or rules.

"And what was the benefit? The benefit was that your colleague and friend was not sensitive to the fact that there was appearance as though I was being treated differently than anyone else. But the landlord said he didn't treat me any differently, no one said that they did treat me differently, but I have to admit that I wasn't sensitive to anything because I never felt then that I was treated any differently than anybody else. And so that ends the apartment thing, but I plead guilty of not being sensitive.

"Now when it comes to the negligence of the disclosures and the tax issues, there is absolutely no excuse that's there. When accusations were made, I hired a forensics accountant and told them to check out what the heck is going on, because I want to make certain that when I stand up and speak, that it's true.

"Well, after I found out it was far more serious than the accusations, I then referred it to the Ethics Committee. It wasn't as though someone tracked me down, the IRS or the Clerk of the House. I filed the correct papers. And the taxes that were paid, an accountant might say that, had my accountant recognized that this \$32,000 down payment for a house in the Dominican Republic that was promised to be paid for in 7 years would be a complete failure, and if indeed they did not give me one nickel, but whenever they thought they were making a dollar or two, they reduced the mortgage, then there is no question—you don't have to be a tax expert to know that if you didn't report that income, notwithstanding the fact that if you had done the right thing you would have no liability because the taxes that were paid to the Dominican Republic would

have been deducted and with depreciation I would have no liability.

"Having said that, is that an excuse that is worthy? Of course not. And the fact that there was negligence on the part of the person that for 20 years did it and the fact that I signed it does not really give an excuse as to why I should not apologize to this body for not paying the attention to it that I should have paid to it. But there is not one scintilla bit of evidence that the negligence involved in the disclosures, that there was some way to hide from the public what I had because the value of the property, they would say, was \$25,000, \$100,000, \$200,000—whatever it would be—that it didn't make any sense that I was trying to disclose it.

"So why did I take the floor today when I haven't found one lawyer that said I should do it, I haven't even found one friend that said I should do it, but I thought about it. If the lawyers are going to continue to charge me—and I don't even know when the hearing is going to be, and I can't tell them I want one and not six lawyers—I don't want to offend the Ethics Committee. They're doing the best they can.

"But I'm in the position that, hey, I'm 80 years old. All my life has been, from the beginning, public service. That's all I've ever done, been in the Army, been a State legislator, been a Federal prosecutor, 40 years here. And all I'm saying is that if it is the judgment of people here, for whatever reason, that I resign, then, heck, have the Ethics Committee expedite this. Don't leave me swinging in the wind until November.

"If this is an emergency—and I think it is to help our local and State governments out—what about me? I don't want anyone to feel embarrassed, awkward. Hey, if I was you, I may want me to go away, too. I am not going away. I am here.

"I'm not saying there is any partisanship in this. Because if I knew of all the people that have been accused of accusations, I'm in a close district and they were Republicans, I would give a couple of moments of thought to see whether or not—especially if I didn't have anything to work with to get reelected—I would say, hey, take a look at these Republicans. They've been accused.

"But I don't really think that the unfairness of this is to me. I don't take it personally. I'm thinking about all of you.

"If the President wants dignity, let's have dignity in this House where the Ethics Committee means something and that none of you, if the newspapers say anything, will have to wait 2 years before you can say 'no comment.'

"And, in addition to that, once they make the accusations, they have no business making any mistakes in saying that I didn't cooperate. I've got papers with my signature on it. I've got papers that said I tried my darnedest. I've got papers where my lawyer tells me she had every reason to believe that the full committee would sign on there.

There was space for people to sign. I'm the only one signing. I don't know what changed their minds about settling this case.

"But my lawyer says, don't offend them. My friends say, don't go to the floor. And I say, what are you going to do me? Suppose I do get emotional, suppose I do think of my life, the beginning and the end, are you going to expel me from this body? Are you going to say that, while there is no evidence that I took a nickel, asked for a nickel, that there is no sworn testimony, no conflict, that I have to leave here?

"As much as I love you Democrats that figure it would be easier for you, I'm the guy that was raising money in Republican districts to get you here, but that doesn't mean that I criticize you for saying, hey, that's great then, but I'm running for reelection now. I mean, do what you have to do.

"And, Republicans, hey, you don't have much to run on, but, what the hell, if RANGEL is an embarrassment based on newspaper articles, I can see why you would do it.

"But think. Think. Isn't this historically the first time that it appears as though partisanship has entered the Ethics Committee? Isn't it historically the first time that the recommendations of the subcommittee of investigation is turned down? And, darn, who in the heck would want somebody who politically called you "corrupt" to be the ranking bipartisan guy to judge you?

"Now I don't expect answers today, and I know you're going home, and I wish all of you well. But at the end of the day, somebody, somebody has to do more than wish I go away. Somebody has to tell me, when does RANGEL get a chance to talk to witnesses? I haven't talked with any member of the Ethics Committee in terms of settlement. My lawyers have.

"I haven't talked with any of the witnesses. And they had to expedite this case. In other words, I have a shorter time to prepare, for reasons that they tell me, don't challenge the Ethics Committee; they make up this stuff as they go along.

"My lawyer, I can understand how financially this thing can go on longer than I can afford. But she is willing to assist me in working out something in pro bono, and I will expect the leadership to help me.

"Don't let this happen to you. Don't walk away from here because it is convenient that I disappear because not all of you will be able to withstand it, as I have. If there is no issue of corruption, if everybody, including the leader over here, has to start off with what a great American I am before he drops the bomb, well, I think that should count for something. And I am not asking for leniency. I am asking for exposure of the facts. They have made a decision. I want you to make a decision.

"Now, I apologize to the leadership. I feel for those people, especially newcomers that love this place so much that, like someone said: CHARLIE, they all love you. And I paused, and so they

QUESTIONS OF ORDER

finished with: But they love themselves better. I understand that, you know. But for God's sake, just don't believe that I don't have feelings, that I don't have pride, that I do want the dignity that the President has said. And the dignity is that even if you see fit to cause me not to be able to come back, because you are not going to do it in my district, but if there is some recommendation that I be expelled, for me, for me, that would be dignity because it shows openly that this system isn't working for me. And I hope some of you might think, if it doesn't work for me, that it may not work for you.

"So I know we are anxious to get home. I know I can't get on the agenda. I know that some time somewhere I will have a hearing. So while you are saying I should resign, I do hope that you might think about what happens if the whole country starts thinking it is better that you resign and don't make anyone feel uncomfortable than to have the truth, at least a person an opportunity to say you have made alleged violations. I'm saying you are wrong based on sworn testimony. And I want somebody, and I don't think it is going to be people who have been critical of me for doing the same thing that is going to be the judge.

"I know outside doesn't count because we judge the conduct of our own Members. Adam Powell knew that when they wouldn't let him be seated; and the courts, of course, overruled it. But if I can't get my dignity back here, then fire your best shot in getting rid of me through expulsion.

"Now I apologize for any embarrassment that I have caused. I'm prepared to admit, and try to let young people know that you never get too big to recognize that these rules are for junior Members, as they are for senior Members, and that you can't get so carried away with good intentions that you break the rules because the rules are there to make certain that we have some order, some discipline and respect for the rules.

"And I violated that, and I am apologizing for it. And I don't think apologies mean that this is a light matter. It is very serious.

"But corruption? No evidence, no suggestion that this was ever found. And lastly, I close by saying that there is an organization that some of you know, certainly DCCC, National Truth in Government, and whatever, and the only thing I can say that some of my more important Democrats are on the list that sent out mail soliciting money in order to get rid of me even before I became the chairman. They have a Web site that I will be giving you because they got a lot of our Members, including Black Caucus members on their list. One I do remember is send your money in now, we've got Rangel against the ropes and we're going to get rid of him. Everyone knows who they are. They followed me on vacation. They followed me when I was doing business. They're at the airport.

They're outside where I live. It is kind of rough.

"I'm sensitive to your feelings and the hard work by the Ethics Committee, but this has to stop some time. It has to stop. One month; 1 year; 2 years; primaries; election. And all I'm saying is I deserve and demand the right to be heard. And if I hurt anybody's feelings, believe me, it is the equity and the fairness and the justice that I'm asking for, and not your feelings. We are entitled to our political feelings and what we want done. But we have to respect each other and this institution which I love. I love my country. I love my Congress. And there is nothing I wouldn't do to preserve this from going on. I love the disagreements. I love the debates. I love the arguments. But you are not going to tell me to resign to make you feel comfortable.

"So to all of those who tried to help me to help myself, let me appreciate it. And for those who disagree, I'm sorry, but that is one thing you can't take away from me. So thank you for listening. I do hope that you have a pleasant time while you are away. And maybe, just maybe, the members of the Ethics Committee might think about telling me when they think they might have a hearing so that whatever they decide, I can let my constituents, my family, and my friends know that I did the best I could as an American, as a patriot, and someone that loves this country.

"Thank you for your attention. Go home."

PRIVILEGES OF THE HOUSE

(¶105.8)

A RESOLUTION ALLEGING THAT A LAME DUCK SESSION SUBVERTS THE WILL OF THE AMERICAN PEOPLE, PLEDGING THAT THE HOUSE "NOT ASSEMBLE ON OR BETWEEN THE DATES OF NOVEMBER 2, 2010 AND JANUARY 3, 2010, EXCEPT IN THE CASE OF AN UNFORESEEN, SUDDEN EMERGENCY REQUIRING IMMEDIATE ACTION FROM CONGRESS", AND SPECIFYING MEASURES FOR WHICH CONSIDERATION DOES NOT CONSTITUTE SUCH AN EMERGENCY, PRESCRIBES A SPECIAL ORDER OF BUSINESS FOR THE HOUSE AND, THEREFORE, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On September 23, 2010, Mr. PRICE of Georgia, pursuant to rule IX, rose to a question of the privileges of the house and submitted the following resolution:

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a lame-duck session of Congress;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm 2010 elections;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American businesses and families;

Whereas this Congress continued its free-wheeling spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the 6 largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas the House of Representatives disregarded the interests and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to \$3,000 per person per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the interests and opinions of everyday Americans by passing a massive government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—all at a cost of \$2.64 trillion over the first 10 years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over 10 years;

Whereas the House of Representatives passed the DISCLOSE Act, which would violate the First Amendment and hinder the free speech of citizens associations and corporations while leaving all unions exempt from many of the new requirements, in order to try to influence the outcome of the midterm 2010 elections;

Whereas in spite of the House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address Fannie Mae and Freddie Mac, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remedification program ("cash for caulkers"), and countless other special interest projects while allowing the public debt to reach its highest level in United States history;

Whereas the New York Times reported on June 19, 2010, that "[f]or all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections";

Whereas the Washington Times reported on June 22, 2010, that House Majority Leader

QUESTIONS OF ORDER

Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year";

Whereas the Hill reported on June 24, 2010, that Senator Tom Harkin, a Democrat from Iowa, suggested that "Democrats might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said";

Whereas the New York Times published an article on June 28, 2010, titled "Lame-Duck Session Emerges as Possibility for Climate Bill Conference" that declares, "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January";

Whereas the Hill reported on July 1, 2010, that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls";

Whereas the Wall Street Journal reported on July 13, 2010, that "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation";

Whereas the Hill reported on July 27, 2010, that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up";

Whereas the Hill reported in the same piece on July 27, 2010, that the lame-duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas during NBC's Meet the Press on August 8, 2010, White House advisor Carol Browner stated that Congress would "potentially" deal with a national energy tax bill in a lame-duck session;

Whereas the Hill reported on August 20, 2010, that Rep. Mike Quigley (D-IL) said, "I'm more hopeful about the lame duck session. I have faith that we're going to repeal Don't Ask Don't Tell";

Whereas the members of the House Republican Conference, as an alternative to passing a massive omnibus spending bill for next year during a lame-duck session, have called on members of both parties, as a starting point, to work together this month to enact legislation that cuts nonsecurity discretionary spending to 2008 levels (the last year before the wave of bailouts, stimulus spending sprees, and takeovers that have dismayed the American people) for the next year and provides much-needed certainty to American small businesses by freezing tax rates at their current levels for the next 2 years;

Whereas recent public polling shows that the American people clearly oppose the idea of dealing with major new legislation in a lame-duck session;

Whereas the Declaration of Independence notes that governments "[derive] their just powers from the consent of the governed";

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at townhalls and speeches, and with

numerous letters, emails, and phone calls to their elected representatives;

Whereas the Democrat majority has all but announced plans to use any lame-duck Congress to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas reconvening the House of Representatives in a lame-duck session to address major new legislation subverts the will of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of expanding governmental power and limiting individual liberty, the American people have lost confidence in their elected officials, and that faith must be restored: Now, therefore, be it—

Resolved, That the House of Representatives pledges not to assemble on or between November 2, 2010, and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress, and that the consideration of any of the following matters does not constitute an unforeseen, sudden emergency:

- (1) Card check, including H.R. 1409 (111th).
- (2) A national energy tax, including H.R. 2454 (111th).
- (3) Any legislation that would provide more authority to Fannie Mae or Freddie Mac.
- (4) Any legislation pertaining to the Immigration and Nationality Act.
- (5) Any legislation making regular appropriations for fiscal year 2011 that would be an increase over previous funding levels.
- (6) Any legislation increasing any tax on any American.

The SPEAKER pro tempore, Ms. RICHARDSON, spoke and said:

"Does the gentleman from Georgia wish to present his argument on why the resolution is privileged under rule IX to take precedence over other questions?"

Mr. PRICE of Georgia, was recognized to speak to the question of the privileges of the House and said:

"Madam Speaker, the rules of the House are important. Following these rules increases the trust of the American people in our institution, in our actions, a trust that is pivotal to the survival of our Republic.

"The questions of privilege of the House in this resolution come to the floor by virtue of rule IX, which states in part: 'Questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.' Integrity of its proceedings, Madam Speaker.

"Further: 'Those questions of privilege shall be those affecting the rights, reputation, and conduct of its Members.'

"Madam Speaker, the reputation and the conduct of Members and the integrity of our proceedings is in question and is highlighted in this resolution. What could be more questionable than having this House adopt further affronts to this great country in a lame duck session.

"As the resolution states in just one 'whereas,' 'Whereas reconvening the

House of Representatives in a lame duck session to address major new legislation subverts the will of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings.'

"Madam Speaker, the intent of the majority is very clear. They want to spend more, they want to tax more, they want to borrow more, and they wish to harm more job creation in this lame duck session. And the American people don't want this.

"To positively represent our constituents, I urge the Speaker to allow this resolution to be considered."

The SPEAKER pro tempore, Ms. RICHARDSON, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

"The resolution offered by the gentleman from Georgia declares a variety of facts and circumstances and expresses sundry opinions. On those premises the resolution proposes to prescribe principles by which to schedule or conduct the constitutional session of the House. It ultimately proposes a special rule to govern the final months of the constitutional session of the House.

"In evaluating the resolution under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special rule or order of business.

"The averment that this resolution presents a question of the privileges of the House under rule IX embodies a precisely contrary principle. It augurs that the mere articulation of some prudential motive makes it privileged to regulate the proceedings of the House on instant bases. Under such an approach, each individual Member of the House could constitute himself or herself as a virtual Rules Committee. Any Member would be able to place before the House at any time whatever proposed order of business he or she might deem advisable, simply by alleging an insult to dignity or integrity secondary to some action or inaction. In such an environment, anything could be privileged, so nothing would enjoy true privilege. With every question having precedence over every other question, the legislative attention of the House would be managed ad hoc by the presiding officer's discretionary power of recognition.

"Under the long and well-settled line of precedent presently culminating in the ruling of August 10, 2010, the Chair finds that such a resolution does not affect 'the rights of the House collectively, its safety, dignity, or the integrity of its proceedings' within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House. The Chair therefore holds that the resolu-

QUESTIONS OF ORDER

tion is not privileged for consideration ahead of other business. Instead, the resolution may be submitted through the hopper for possible consideration in the regular course.”

Mr. PRICE of Georgia, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. HASTINGS of Florida, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that the yeas had it.

Mr. PRICE of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the	{	Yeas	236
affirmative	{	Nays	172

¶105.9

[Roll No. 534]

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

PERSONAL PRIVILEGES

(¶120.9)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF MEDIA CHARACTERIZATIONS OF HIS OFFICIAL CONDUCT.

On December 9, 2010, Ms. WATERS, rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to rule IX, recognized Ms. WATERS for one hour.

“To the Members, I will only take about 7 or 8 minutes. I know that they are anxious to go home.

“On Tuesday, I introduced a privileged resolution that calls for a bipartisan task force to investigate the disciplinary action taken against two professional staff members of the Ethics Committee. Since then, I have had a chance to speak with dozens of Members regarding concerns about the ethics process and the impact it has on this institution.

“Regardless of region or political ideology, they all agreed that we must take every opportunity we can to improve the ethics process and, by extension, increase the faith of the American people in our ability to uphold the highest standards of ethical conduct.

“We now have such an opportunity.

“There have been press reports of misconduct by the committee attorneys responsible for handling my case, which has been with the committee for almost 1½ years. Although we do not know the circumstances surrounding

their conduct nor the disciplinary action taken against them, we can all agree, as Majority Leader HOYER stated last week, that the developments are ‘troubling.’

“To be sure, this issue is of great concern to me. However, after talking to Members, I have confirmed that it is also of great concern to you—my colleagues and friends—because the issue of transparency and fairness in the ethics process is one that transcends any individual.

“What is at stake is the integrity of this institution that we all cherish and of which we are privileged to be a part.

“If information regarding this matter is not made public, we will continue to see press reports and commentators across the political spectrum publicly criticizing the ethics process. Allow me to read you some of the press quotes on this issue.

“You have ethics issues in the Ethics Committee. These two attorneys are left on the government payroll. We still don’t even know why they dismissed them.’ This is from ‘The Willis Report,’ Fox Business, 12/1/10.

“Can you imagine, in a court of law, if the prosecutor basically got completely taken off of the case, and suddenly the defense lawyer walked in, and there was somebody new? It’s like bells and whistles would go off.’ This is from ‘AC 360,’ which is Anderson Cooper, CNN, 12/1/10.

“I am confident some of the folks on the committee are more political than anything else.’ That is from someone who has been very critical of me, Melanie Sloan of CREW, quoted in Talking Points Memo, 12/1/10.

“Rarely has the ethics process looked worse.’ This is by Dana Milbank, Washington Post, 12/4/10.

“Unfortunately, if a resolution like the one I noticed passed, its authority, like the authority of the investigation against me, would expire at the end of this Congress, which could come as early as next week. The investigation and report called for by the resolution would have to be completed immediately, which apparently is not feasible now given the calendar.

“Many colleagues who share the concerns I have raised about the disciplinary action of the committee are also concerned that a task force established now would have insufficient time to finish its work.

“I share that concern and have been working with my colleagues over the last few days to find an alternative that would allow for the exploration of this important topic without further undermining the process by not allowing for adequate time and resources. Because news about the committee’s activities just came to light last week, the options seem to be limited.

“We all know how a vote on a privileged resolution plays out. The leadership, for reasons which are both practical and political, would use a parliamentary procedure, either a motion to table or a motion to refer, to essentially kill the bill.

“This maneuver is not unique to this resolution. It is, as history shows us, seemingly standard practice. Functionally, that would be the end of this particular resolution, and it could have the unintended consequence of suggesting falsely to the public that the House as a whole is not concerned with the integrity of the ethics process.

“In fact, during those conversations with colleagues, Members have come alive, and the basic concepts of justice and fairness have permeated every conversation. They have suggested that this issue is one that should be explored willingly, not just by the force of a vote by the whole House, and that parliamentary procedure should not thwart transparency.

“Let me note that, while they expressed concern with some of the events that have occurred as related to my case and the implications for the broader institution, Members also indicated they believe that our colleagues who lead the Ethics Committee—ZOE LOFGREN and JO BONNER—fundamentally share our commitment to justice and fairness despite the circumstances which have led us here today.

“This is a view that I share as well.

“Although the committee is built on secrecy and confidentiality, it should have the ability to be flexible and provide transparency in extraordinary circumstances. This is one such extraordinary circumstance when the House as a whole and the public need the committee to reveal information so we can have confidence in the process.

“Those who know me know that I am aggressive by nature and philosophy. I believe that it is important that we be relentless about our constant search for truth and justice.

“But here, upon the advice of my colleagues whom I trust and admire, I am not pushing for a vote on this resolution today. In doing so, however, I am requesting that the committee set the record straight, on its own accord, in a bipartisan manner, with a joint statement signed by the chair and ranking member, as provided by its rules, which both protects the confidentiality required by the committee and respects the public’s and this body’s right to know the circumstances of the events that led to the discipline of the two attorneys leading the case against me.

“Today, I will again notice the House with my privileged resolution. I am hopeful it will not be necessary to take it up, because the Ethics Committee will, indeed, set the record straight.”

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 12, 2010, the SPEAKER pro tempore, Mr. OWENS, laid before the House a communication, which was read as follows:

QUESTIONS OF ORDER

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 8, 2010.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the Superior Court for Santa Clara County, California, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MICHAEL M. HONDA,
Member of Congress.

On February 2, 2010, the SPEAKER pro tempore, Mr. CAPUANO, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 27, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents. This is in reference to the landfill in Blythe Township, Pennsylvania which I opposed due to environmental concerns.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TIM HOLDEN,
Member of Congress.

On February 2, 2010, the SPEAKER pro tempore, Mr. CAPUANO, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 27, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I have no responsive documents.

Sincerely,

WILLIAM HANLEY,
Projects Director.

On March 9, 2010, the SPEAKER pro tempore, Ms. CHU, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANDREA BRAGG,
Office Manager.

On March 10, 2010, the SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony by the United States District Court for the Eastern District of Michigan.

After consulting with my attorney, I will make the determinations required by Rule VIII.

Sincerely,

CAROLYN C. KILPATRICK,
Member of Congress.

On March 10, 2010, the SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for testimony and documents by the United States District Court for the Eastern District of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

On March 11, 2010, the SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
17th District, Ohio, March 3, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I

have been served with a subpoena, issued in the Youngstown, Ohio Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MATT VADAS,
Constituent Liaison.

On March 11, 2010, the SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
17th District, Ohio, March 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the Youngstown, Ohio Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PEARLETTE WIGLEY,
Staff Assistant.

On April 13, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that my district office has been served with a subpoena for documents issued by the U.S. District Court for the Southern District of New York.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GREGORY W. MEEKS,
Member of Congress.

On April 13, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Circuit Court for St. Lucie County, Florida, in connection with a civil case pending there.

After consultation with the Office of General Counsel, I have determined that compli-

QUESTIONS OF ORDER

ance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

THOMAS J. ROONEY,
Member of Congress.

On May 20, 2010, the SPEAKER pro tempore, Mr. KISSELL, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I write to formally notify you that I have been served with a subpoena for testimony issued by the U.S. District Court for the Northern District of Illinois in a criminal case pending there.

While it is unclear at this time whether the testimony sought "relates to the official functions of the House" within the meaning of Rule VIII.1 of the Rules of the House of Representatives, I am electing to notify the House of the subpoena out of an abundance of caution.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JESSE L. JACKSON, Jr.,
Member of Congress.

On June 8, 2010, the SPEAKER pro tempore, Ms. LOFGREN of California, laid before the House a communication, which was read as follows:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena issued by the Superior Court of the District of Columbia for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SARAH GERBER,
Chamber Support Services.

On August 9, 2010, the SPEAKER pro tempore, Ms. PINGREE, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
August 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court for the District of Columbia in connection with a criminal case now pending before that court.

After consultation with the Office of the General Counsel, I have determined that

compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SARAH GERBER,
Chamber Support Staff.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Court of Common Pleas, Clermont County, Ohio.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

JEAN SCHMIDT,
Member of Congress.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

BILL GEORGE,
Press Secretary.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ROCKY DEAL,
District Director.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATHRYN JEAN ARTS,
District Office Manager.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 15, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIELLE COSTANTINI,
Constituent Services Director.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

BILL GEORGE,
Press Secretary.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

QUESTIONS OF ORDER

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

ROCKY DEAL,
District Director.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

NORMAN GONZALES,
Community Outreach Director.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHARLES ROSS BRANCH,
Field Representative.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have

received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determination required by Rule VIII.

Sincerely,

DANIELLE COSTANTINI,
Constituent Services Director.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KATHRYN JEAN ARTS,
District Office Manager.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

AMERIA FOWLER,
Casework Assistant.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESSMAN JOHN BOCCIERI,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony and documents issued by the Court of Common Pleas, Stark County, Ohio in connection with a domestic relations case now pending before that court.

After consultation with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,

CATHIE DEFazio,

District Office Casework Manager.

On November 15, 2010, the SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a subpoena for documents issued by the United States District Court for the Southern District of Texas.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

TED POE,
Member of Congress, Texas.

On November 16, 2010, the SPEAKER pro tempore, Mr. HEINRICH, laid before the House a communication, which was read as follows:

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAME CLERK: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony and documents issued by the U.S. District Court for the District of Columbia in connection with a civil case now pending before that court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Sincerely,

NANCY PELOSI,
Speaker of the House.

On December 14, 2010, the SPEAKER pro tempore, Mr. CUMMINGS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 10, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for testimony issued by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BART STUPAK,
Member of Congress.

On December 14, 2010, the SPEAKER pro tempore, Mr. CUMMINGS, laid before the House a communication, which was read as follows:

QUESTIONS OF ORDER

HOUSE OF REPRESENTATIVES,
Washington, DC, December 10, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for testimony issued by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SCOTT SCHLOEGEL,
Chief of Staff,

Congressman Bart Stupak.

On December 16, 2010, the SPEAKER pro tempore, Mr. ALTMIRE, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, December 15, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in New York County, New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL.
